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ABSTRACT

This guide is designed for those who participate in North Dakota's Close Up program, a program that provides the state's young people with the opportunity to experience government firsthand in an innovative and participatory setting. The state's 1991 legislative program offers a broad range of activities for student participants, including: workshops, legislative simulations, on-site observations of government in action, presentations on key issues, a seminar on how to critically view the news, and some social mixers. The guide is organized into five sections: (1) Introduction; (2) Getting Started; (3) The Legislative Branch of North Dakota (How the Legislative System Works); (4) Program Activities and Selected Issues; and (5) Extending the Experience. (DB)

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GUIDE

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PARTICIPANT

1991 CloseUp®

NORTH DAKOTA

A LEGISLATIVE INSIGHT

DEPARTMENT OF PUBLIC INSTRUCTION
Dr. Wayne G. Sanstead, Superintendent
Bismarck, North Dakota 58505-0440

So 021 720

BEST COPY AVAILABLE

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GEORGE A. SINNER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
600 E. BOULEVARD — GROUND FLOOR
BISMARCK, NORTH DAKOTA 58505
(701) 224-2200

January, 1991

Welcome to Close Up!

While we claim to have the most democratic government in the World, a majority of our citizens do not vote. That means they give up their right of government by, for and of the people. As a responsible individual and citizen, you not only have the right, you have an obligation to participate in the voting process.

In North Dakota we have a better than average participation in our democratic process. We believe we are not only more active, but better informed citizens. It is important that we maintain and improve that record.

That is the reason for North Dakota Close Up. The Close Up program gives you a hands on, up front view of how our government works. I enthusiastically support this program and encourage participation. It is your duty and privilege to be the very best citizen you can be. This program will help you accomplish that.

I look forward to your visit in February.

Sincerely,

George A. Sinner

George A. Sinner
Governor

GAS:CMS:dms

Governor Sinner addresses the 1987 Legislative Assembly with his "State of the State" message.

(Photo courtesy of the North Dakota Highway Photo Lab.)

ACKNOWLEDGEMENTS

We want to express our appreciation to the Close Up Foundation, the Amoco Oil Foundation and the Burger King Corporation for their financial support. Substantial corporate program grants, in conjunction with the support, encouragement, and enthusiastic response of leaders in education, private industry, and government, have made the 1991 North Dakota Close Up program a reality.

The Close Up teachers, advisory board members, group leaders and program presentors are to be acknowledged for their time, effort, and dedication to ensure that the 1991 state experience is a success.

We are very grateful to everyone who dedicated their time and expertise to author the primary source articles and to the following people who offered their help and skill in the development of this publication:

North Dakota Legislative Council Librarian and Advisory Board Member, Marilyn Guttromson
University of North Dakota, Dr. Douglas Munski and Dr. Theodore Pedeliski
Grand Forks Teacher and Advisory Board member, Gene Martin,
Department of Public Instruction staff members:
Wayne G. Sanstead, Superintendent; Ron Stastney, Assistant Superintendent; Irish Linnertz, Coordinator; Patricia Herbel, Director of Elementary Education; Joe Linnertz, Technical Advisor; Curt Eriksmoen, Social Studies Coordinator; Neil Howe, Division of Independent Studies; and Cathy Ebert, Secretary.

Commendation must be given to the school boards and administrators who support the Close Up concept and make it possible for students and teachers to participate in the Close Up program. We are aware of the sacrifices in terms of time and money for curriculum, transportation, substitute teacher arrangements and schedule changes that are necessary for students and teachers to participate successfully in the Close Up experience.

We are grateful to state legislators and to personnel from the Legislative Council and the Office of the Governor for their contributions in the development of the 1991 participant guide.

Senator Kent Conrad, Senator Quentin Burdick and Representative Byron Dorgan have provided encouragement through their endorsement and support.

A special thanks to our national corporate sponsors. Through their generosity, funding is provided for national fellowships and program development. We are extremely fortunate to work with Ellen Weiss and other staff from the Close Up Foundation, all of whom have offered support, encouragement, and guidance.

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PREFACE

The Close Up Foundation subtitles its program in Washington, D.C. as " . . . a citizenship learning adventure . . . "! It is described as not only a learning adventure; indeed, it is called an adventure in personal growth.

Our experience in North Dakota is no less of an adventure. You will learn by being there. Opportunities will be provided to meet with our state's leaders. Both sides of issues will be uncovered. Seminars will provide detailed information. Meetings and discussion groups will permit you to share ideas and gain new perspectives.

This is only the beginning!! North Dakota Close Up will help you learn about the political process--you'll learn to separate fact from opinion. You'll be given the opportunity to apply such skills as decision making, debating, and public speaking. These skills will serve you well the rest of your life!!

Whether in meetings, during seminars, or at the socials, have fun! Let this adventure confirm your role as an active citizen of North Dakota and a lifelong adventurer into democracy!

Section 1

Introduction

J.C. Koller, Manager of Amoco's refinery in Mandan, presents Dr. Wayne G. Sanstead with a $2500 check to support the North Dakota Close Up Program. This is the second year that the Amoco Oil Foundation has awarded a $2,500 grant to Close Up.

THE STATE OF NORTH DAKOTA

Department of Public Instruction

Dr. Wayne G. Sanstead, Superintendent (701)224-2260 Fax (701)224-2461

January, 1991

GREETINGS!!!

Civic education plays a critical role in personal development and growth. It equips us to make informed and responsible decisions about issues confronting our local community, our state, and potentially, the global community.

Close Up provides a vehicle for young people to experience government firsthand in an innovative and participatory setting. The 1991 legislative program offers a mix of activities designed to provide you with the knowledge you will need to become active participants in the democratic process. Activities include: workshops, legislative simulations, on-site observations of government in action, presentations on key issues, a seminar on how to critically view the news, and also, some social mixers. The program promises to be fast-paced, fun and exciting.

The topics scheduled for debate in student workshops will focus on the environment. You will analyze the effects of the media and the lobbyists on the legislative process. You are encouraged to ask tough questions with an open mind, to take part in discussions, and to become actively involved in planned activities, so, you will leave with a firm resolve to fully participate in your government - at the local, state, and/or national level.

You, the young people, are our most valuable resource and your actions can make a difference. Take the challenge Close Up offers - help make the world a better place in which to live. Your potential is unlimited!

Sincerely,

Wayne G. Sanstead

DR. WAYNE G. SANSTEAD
Superintendent

cme

BISMARCK, NORTH DAKOTA 58505-0440

. . . . . and time to relax . . . . .

PROPOSED AGENDA

SUNDAY, February 10, 1991		
2:00 - 4:00 p.m.	Hotel	Registration
4:00		Orientation, Ronald C. Stastney Assistant Superintendent Department of Public Instruction
5:00		Dinner
5:45		Welcome, Dr. Sanstead, State Superintendent
6:00		"Critically Viewing the Media," Dr. John Splaine University of Maryland
6:30		Question and Answer Session
7:00		Small Group Sessions - Assigned Rooms Students - Organization and Planning Teachers - Inservice Training
8:00		Room Transfer
8:15		Government Trivia
9:15		Social Hour with Legislators
10:00		Free Time
11:00		Bed Check
MONDAY, February 11, 1991		
7:30 a.m.	Hotel	Breakfast Buffet
8:45		Bus Transfer - State Capitol
9:00	State Capitol	Observations - Committee Hearings
11:00		Board Buses
11:15		Transfer to Kirkwood Shopping Mall
11:30	Kirkwood Mall	Lunch and Shopping
1:00 p.m.		Board Buses
1:15		Transfer to State Capitol
1:30	State Capitol	Observe Legislature
3:00		Board Buses
3:15		Transfer to Hotel
3:30	Hotel	The Lobbyist Role
4:00		Small Group Sessions Students - Preparations Teachers - Inservice Training
5:45		Free Time
7:00		Banquet
7:45		The Role of the Lobbyist
8:15		Question and Answer Session
8:30		Dance
11:30		Bed Check
TUESDAY, February 12, 1991		
7:30 a.m.	Hotel	Breakfast Buffet and Check-Out
8:30		Small Group Sessions Students - Mock Committee Hearings for Students Teachers - Inservice Training
10:00		Simulated Floor Action - Full Group
11:30		Wrap Up
12:00 p.m.		Box Lunch
1:00		Optional Tours, State Capitol

You're approaching adulthood. You're making decisions now that will influence the course of your whole life—decisions about schooling, about your career, about your future. It's an exciting time filled with personal challenges and a world of opportunity.

CLOSE UP can help you explore those opportunities . . .

because CLOSE UP is not only a government studies adventure—it's an adventure in personal growth. During the weeklong CLOSE UP Program, Washington, D.C.—one of the world's most fascinating cities—is your classroom. You visit the halls and committee rooms of government and meet the men and women who influence the course of American history. You find out firsthand what's going on in America and the world—and how it affects your future.

In CLOSE UP, you learn through direct involvement and gain a real-world perspective on government and current issues. And you also gain a better understanding of *your* opportunities in one of the world's great democracies.

Talk with the Nation's Leaders—During daily seminars you'll have the opportunity to question senators, representatives, administration officials, reporters, lobbyists, and policymakers about what they do and where they stand on national and international issues. Some will be newsmakers whose names and faces you'll recognize; others will be behind-the-scenes experts in government and politics.

Uncover Both Sides of the Issues—Onsite Washington seminars give you the chance to challenge the experts—to ask the questions you've always wanted to ask about the major political issues confronting the nation and the world. Since seminar speakers represent both major political parties and a broad spectrum of viewpoints, the answers you'll get will often be conflicting, sometimes surprising, and always candidly informative. CLOSE UP encourages you to evaluate for yourself everything you see and hear, so that you can develop your own ideas and opinions about current issues. The speakers,

Senator Kent Conrad

CLOSE UP is experiencing the democratic process as an insider.

Learn by Being There—As a CLOSE UP participant, you'll take part in daily study visits to places such as the House of Representatives and the Senate, the Capitol, the Supreme Court, the Library of Congress, and various federal agencies. During scheduled independent activity time, you'll have additional opportunities to visit congressional offices and sit in on governmental hearings. As you witness the business of government taking place, the things you've read about in textbooks and newspapers will come to life. You'll begin to see government as a real and powerful process in which you can play a part.

NATIONAL PROFILE

in turn, will learn from you what young Americans think about their country and its problems and challenges.

Seminar Format—You'll take part in twelve to fifteen of these onsite seminars, each featuring a different "Washington expert" speaker. Seminars are thirty to sixty minutes in length and begin with a short introductory presentation by the speaker followed by a question-and-answer session.

Senator Quentin Burdick

CloseUp

Close Up Foundation
1235 Jefferson Davis Highway
Arlington, Virginia 22202
703-892-5400

1989 Close Up students visit Representative
Byron Dorgan in the U.S. Capital

1990 PHOTOS - JUDICIAL PROGRAM

CLOCKWISE: Mike Geiermann, Bismarck Attorney; Patrick Conmy, U.S. District Judge; James Vukelic (L), Deputy Attorney General and Dwight Kautzmann, Mandan Attorney; Herbert Meschke, Justice of the North Dakota Supreme Court and Dr. Wayne G. Sanstead, State Superintendent; and CENTER: Judge Benny Graff, South Central District

NORTH DAKOTA STATE CLOSE UP: AN OVERVIEW

The North Dakota CLOSE UP Experience is modeled after the National CLOSE UP Program, which is held annually in Washington, DC. There, students from 50 states gather to learn how they can become involved in government and what government is all about.

The North Dakota CLOSE UP Experience is based upon the belief that students need to have an understanding of the roles of state and local governments, of politics and law, and of the rights and responsibilities of citizens in a democracy if the American experiment in self-government is to survive.

NORTH DAKOTA STATE CLOSE UP GOALS

1. Promote future leadership activities and participation in the local community and in politics.

2. Increase awareness and understanding of the functioning of North Dakota state government.

3. Increase awareness and understanding of the issues facing North Dakota.

4. Increase interest in the politics and issues of the State of North Dakota.

5. Increase awareness and understanding of the role of the lobbyists and media in North Dakota.

6. Increase communication between and among individuals from different schools and regions.

7. Explore the role of the individual in the legislative process.

8. Avail current legislative resources to all North Dakota Secondary Schools.

9. Develop academic and social skills through on-site learning and direct experiences.

10. Create a participating environment to promote an understanding of civic responsibilities and to enhance learning.

11. Provide teachers with experiences and technical resources to enhance their instructional programs.

12. Involve parents, teachers, government leaders, and the community in civic education.

ENDORSEMENTS

The National Association of Secondary School Principals endorses Close Up as one of its recommended activities. The North Dakota Department of Public Instruction, along with members of the North Dakota Close Up Advisory Board, heartily endorse this effort at both the state and national level.

Senators Kent Conrad and Quentin Burdick, along with Congressman Byron Dorgan serve on the Close Up Foundation's national board of advisors. Dr. Wayne G. Sanstead serves on both the state and national committees.

NORTH DAKOTA CLOSE UP ADVISORY BOARD MEMBERS

Dr. Wayne G. Sanstead, Superintendent
Department of Public Instruction

Senator Tish Kelly
Fargo, North Dakota

Representative Rosemarie Myrdal
Edinburg, North Dakota

Rachael Disrud
ND Parents and Teachers Association
Fargo, North Dakota

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Federal District Judge
Bismarck, North Dakota

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Dave Rustebakke
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Fargo, North Dakota

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North Dakota Petroleum Council
Bismarck, North Dakota

Robert Wood
Montana Dakota Utilities
Bismarck, North Dakota

Dr. Theodore Pedeliski
Political Science Department
University of North Dakota

Dr. Sharon Johnson
Bismarck School District

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State Board of Higher Education

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Bismarck, North Dakota

Betty Bender
School for the Blind
Grand Forks, North Dakota

Patricia Horner
School for the Deaf
Devils Lake, North Dakota

Marilyn Guttromson
Legislative Council

Carol Siegert
Governor's Office

THE CAPITOL

Jim, a fellow student, has just entered the Capitol from the north. Use the floor plan to respond to his questions.

1. Where is the Governor's Office located? _____
_____

2. I wish to attend a Committee Meeting in the Fort Totten Room, how do I get there? _____
_____

3. Paul is observing the Senate from the balcony. I need to contact him immediately. Please direct me to the balcony. _____
_____

4. Carol and Jean went to the vending area. Please direct me to that area.
_____

5. Marilyn Guttromson, Legislative Council librarian, has some information for me. How do I get to the Legislative Council Library? _____
_____

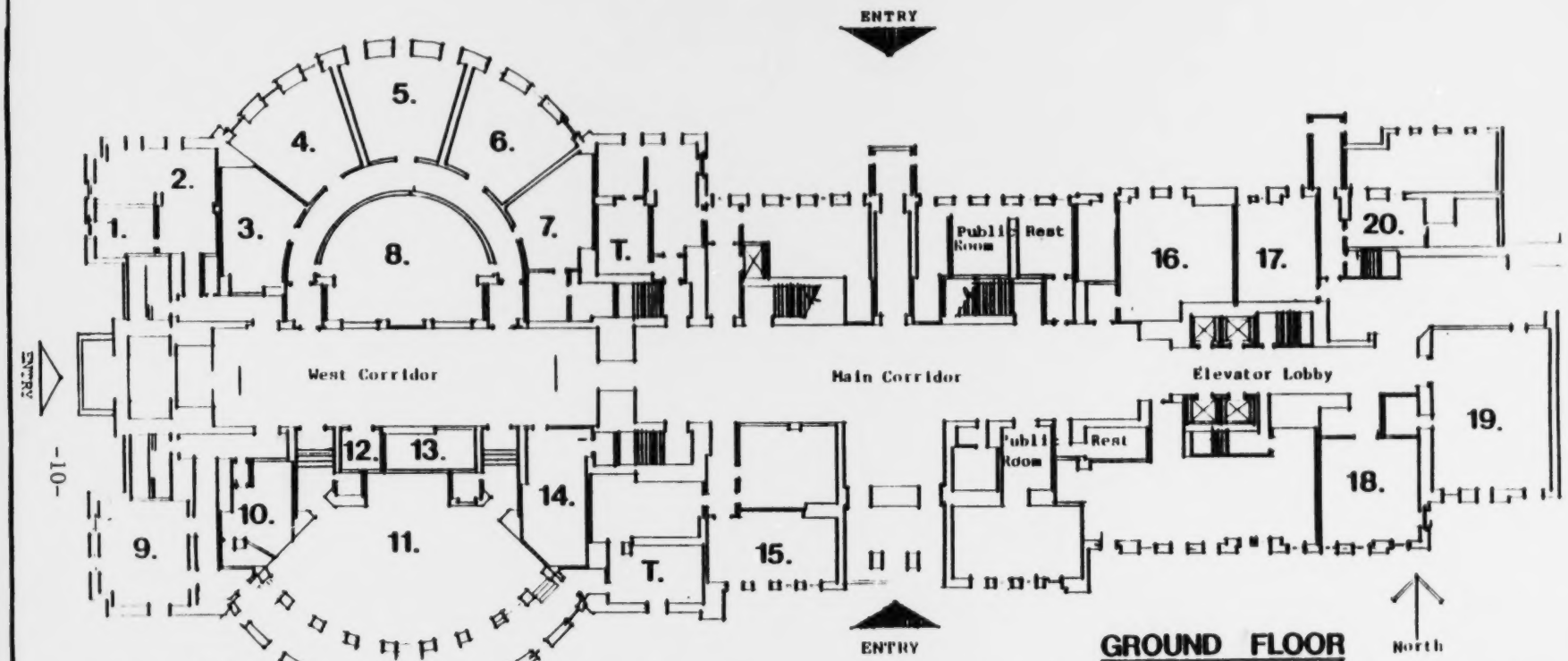
6. Where is the Rough Rider Room? _____

7. I need a copy of the bill that is being heard in committee today. Where is the Joint Bill and Journal Room? _____
_____

8. How do I get to the cafeteria? _____

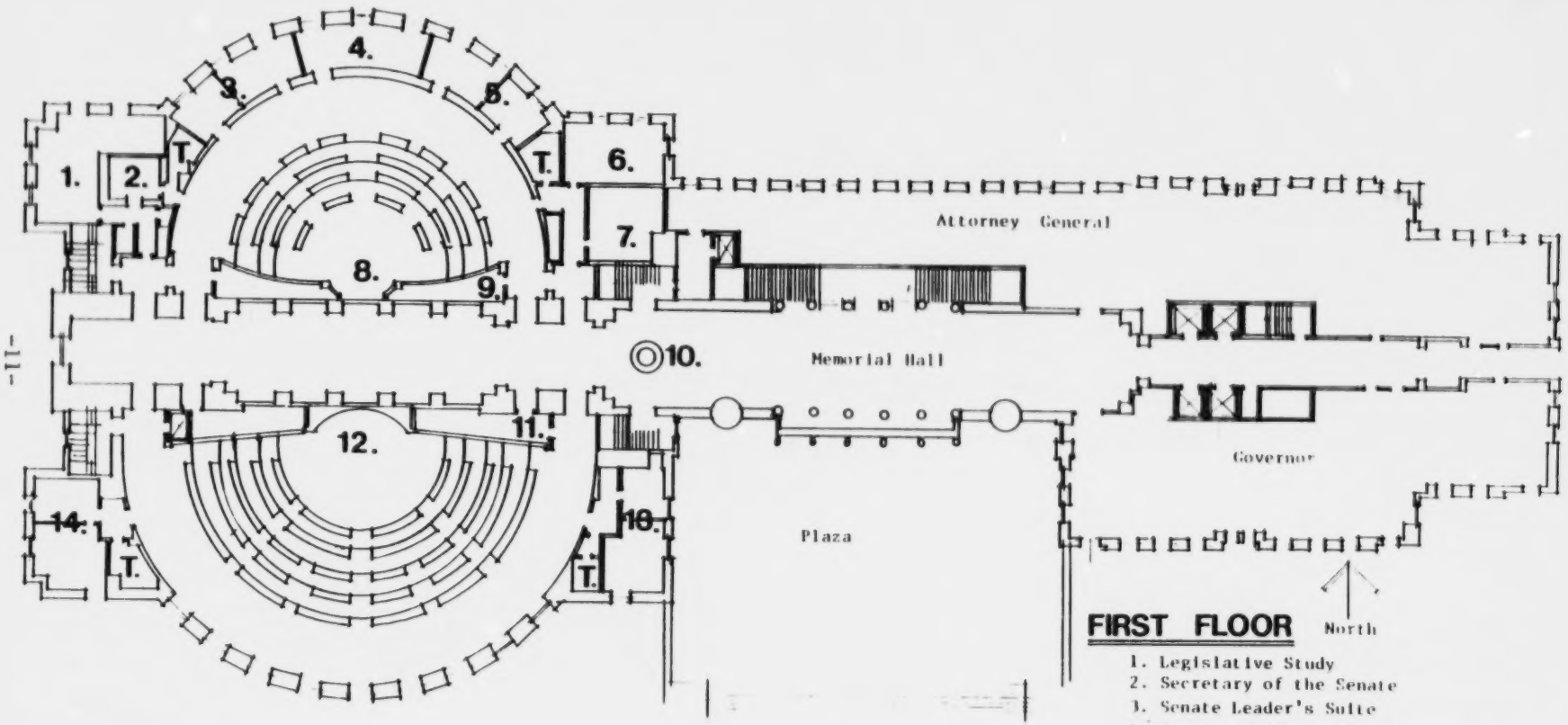
9. Where is the Prairie Room? _____

10. I have a news release I am to give to one of the news reporters. Where is the Press Room? _____
_____



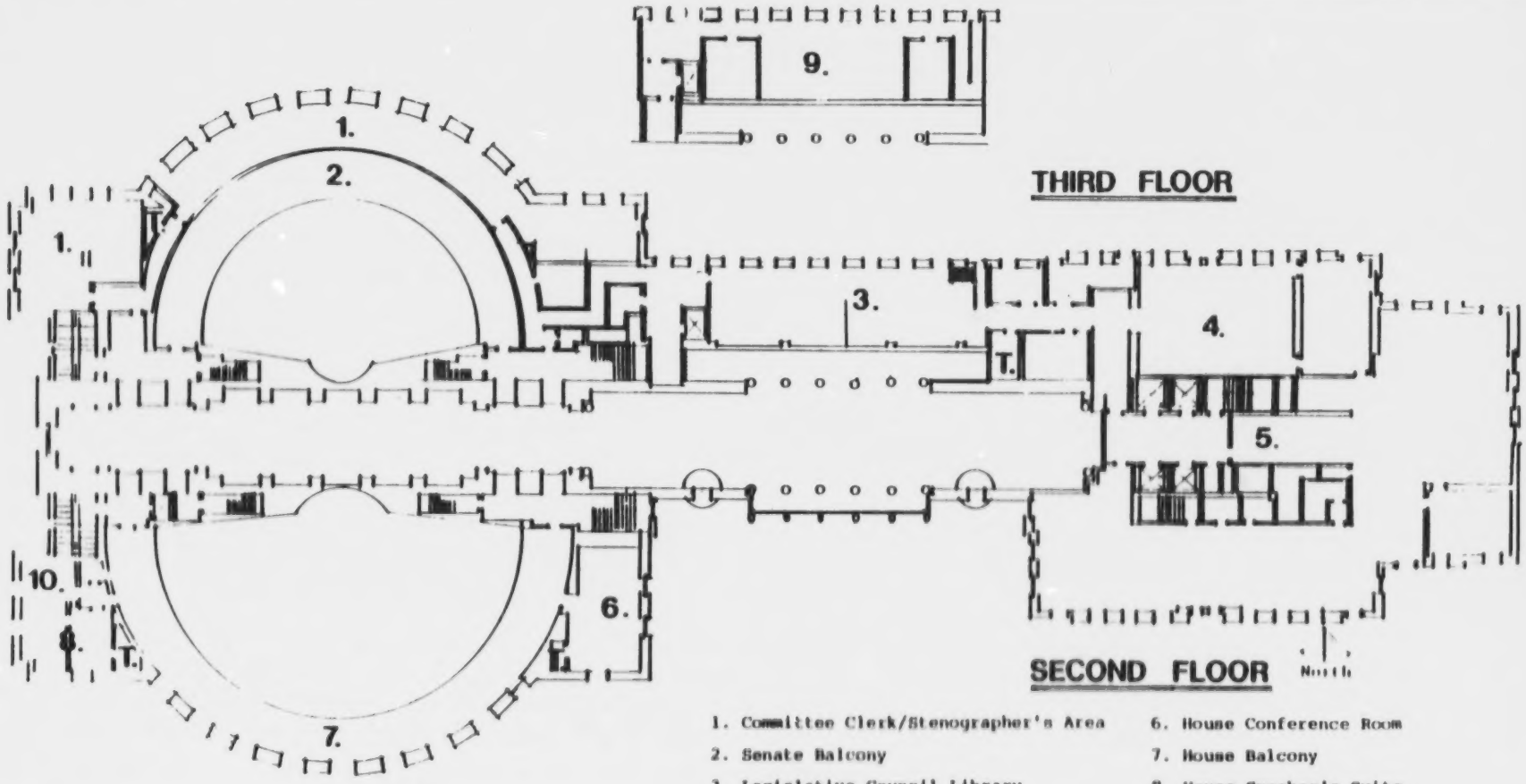
GROUND FLOOR

1. Doctor's Exam Room
2. Legislative Study
3. Roosevelt Park Room G-1
4. Fort Union Room G-2
5. Peace Garden Room G-3
6. Fort Totten Room G-4
7. Press Room G-5
8. Joint Bill & Journal
9. Fort Lincoln Room G-9
10. Press Studio G-8
11. Brynhild Haugland Room G-7
12. Vending Area
13. Public Coat Room
14. Lewis & Clark Rm. G-6
15. Missouri River Rm. G-10
16. Harvest Room G-11 (Senate Appro.)
17. Red River Room G-12
18. Sakakawea Room G-14
19. Rough Rider Room G-13 (House Appro.)
20. Mail Room



FIRST FLOOR

1. Legislative Study
2. Secretary of the Senate
3. Senate Leader's Suite
4. Senate Conference Room
5. Senate Leader's Suite
6. Legislative Phone Room
7. Joint Supply Room
8. Senate Chambers
9. Senate Pages
10. Information Kiosk
11. House Pages
12. House of Representatives
13. House Leader's Suite
14. House Leader's Suite



THIRD FLOOR

SECOND FLOOR

1. Committee Clerk/Stenographer's Area
2. Senate Balcony
3. Legislative Council Library
4. Prairie Room G-15
5. Legislative Council Suite
6. House Conference Room
7. House Balcony
8. House Speaker's Suite
9. Legislative Data Processing
10. Chief Clerk of the House

NORTH DAKOTA CLOSE UP
PROGRAM EVALUATION SHEET

This is the seventh North Dakota Close Up Experience. We need your help to improve the program for future experiences.

Please evaluate the program by answering the following questions and add any comments which you think would make future programs even better. Additional space is available on the reverse side of this form.

You will be asked to tear out this form and give it to the Close Up staff during the final wrap up session on Tuesday morning, February 12.

1. Please describe one of the pre-activities in which you participated as a preparation for this state program:

   Was this pre-activity helpful to you in being able to more meaningfully participate in the state program? Why or why not?

2. Which activity or event did you find most helpful/interesting during this Close Up of the Legislative Branch? Please explain.

3. Which activity or event did you find least helpful/interesting during this Close Up of the Legislative Branch? Please explain.

4. After studying the suggested list of post-activities and selecting one or, having developed a post-activity of your own, please describe such an activity and tell us why this will help you "extend" this experience.

5. We need some general observations from you!

	Super	Good	Fair	Poor	Comments
A. The Close Up Guide:					
B. The speakers (your list):					
_____					
_____					
_____					
C. The accommodations:					
D. The trivia game:					
E. The organizing meeting:					
F. The mock committees:					
G. The floor action:					
H. Overall, North Dakota Close Up:					

PROGRAM EVALUATION CONTINUED

You will be asked to tear out this sheet and to hand it in to the Close Up staff prior to your departure in February. Please use this space to add any additional comments or suggestions to help improve the program for future participants.

Thank you for taking the time to complete the program evaluation.

Section 2

Getting Started

PLANNING FOR THE STATE CLOSE UP EXPERIENCE

This section provides ideas and assistance to enable you to participate actively and successfully in the state Close Up Experience. Teachers and students attending previous state Close Up programs strongly recommended that all participants be familiar with the format and content of this guide. The fast pace of the state Close Up does not give you a lot of time to study. In fact, you can have a lot of fun and learn a lot more if you have some idea of what to expect.

First, a brief look at the format of this guide. It is divided into five major sections:

1. Introduction--This section provides you with the national profile of the Close Up Foundation and the goals of the North Dakota Close Up Program.

2. Getting Started--This section identifies participant responsibilities and suggests additional resources for study.

3. The Legislative Branch of North Dakota Government--This section provides information on the legislative system to assist you in understanding the legislative process and how laws are enacted.

4. Program Activities and Selected Issues--This section will prepare you as an active participant in the simulation and student activity portion of the February program event.

5. Extending the Experience--This section offers suggestions for classroom and community activities designed to enhance and further your study of government.

Several unnumbered pages are provided in the very back of the guide to facilitate note-taking during the experience, or to jot down questions to ask presentors.

This guide is not meant to cover all the information about the legislative system. We hope that it sparks your interest and that you will be able to identify additional resources which you will find useful when you participate in the state Close Up program.

SOURCES OF INFORMATION FOR STATE CLOSE UP

1. Legislative Council

As soon as you select an issue to work on, obtain a copy of the House or Senate bill related to that issue. First contact the legislator who is sponsoring the bill. If you do not know who the sponsor is, write to the Legislative Council, State Capitol, Bismarck, ND 58505-0440.

The Legislative Council office can also provide you with information on bills filed in previous sessions.

Ask for copies of bills from the last session on the same issues and any summaries.

--What action was taken last session?

--Who testified in favor of the bill; who testified in opposition?

--Do they know of any studies that have been done on the issue?

--Where can they be obtained?

The Council Library keeps a subject file of newspaper clippings sent through the North Dakota Newspaper Association's clipping service.

2. Joint Bill and Journal Room

Copies of the bills are available at the Joint Bill and Journal Room window or through personal contact with persons in Bismarck for the legislative session. However, the Joint Bill and Journal Room at the Capitol do not mail out copies of bills.

3. Voting Records

To obtain voting records, use House and Senate journals in conjunction with the bill status report. The bill status report is an excellent tool for relating subjects to bills, specific bill numbers, and journal page references for roll call votes.

4. Libraries

During the 1991 Legislative Assembly public, academic, and special libraries across the state will receive daily UPS delivery of all bills and resolutions introduced, House and Senate journals, and bill status reports. Larger public libraries maintain access via computer.

5. Lobbyists/Advocacy Groups

Contact groups which are supporting or opposing a particular issue. People who testified at legislative hearings are a good place to begin. The list of registered lobbyists is printed in the House and Senate journals; it is also available from the Secretary of State.

6. Legislators

To obtain a copy of the bill, contact the Legislator who is sponsoring or supporting a bill. When you talk to legislators who support a bill, ask them for the names of people/organizations who oppose the issue.

7. Community Sources

Community groups who support or oppose specific issues may be of assistance to you. Students may also want to conduct a survey of students, parents or members of the community.

8. Legislative Assembly

During the session, the Legislative Assembly maintains special information telephone numbers in addition to providing terminals in the Capitol for on-line bill status. Telephone numbers will be available when the legislature convenes.

9. State and County Newspapers

State and county newspapers provide valuable information.

The North Dakota Daily Newspapers include:

The Bismarck Tribune, Bismarck, 58501
Devils Lake Daily Journal, Devils Lake, 58301
Dickinson Press, Dickinson, 58601
The Forum, Fargo, 58107
Grand Forks Herald, Grand Forks, 58201
Jamestown Sun, Jamestown, 58401
Minot Daily News, Minot, 58701
Valley City Times-Record, Valley City, 58072
The Daily News, Wahpeton, 58075
Williston Herald, Williston, 58801

For further information please contact the North Dakota Newspaper Association, Jill Denning, Executive Vice President, 222 North Fourth Street, Bismarck, ND 58501.

10. Resources identified in Section 2 of this Guide.

RESOURCES FOR BACKGROUND INFORMATION

Close Up Foundation. Current Issues. 1991. Close Up Foundation, 1235 Jefferson Davis Highway, Arlington, VA 22202.

Close Up Foundation. Perspectives. 1990. Close Up Foundation, 1235 Jefferson Davis Highway, Arlington, VA 22202.

Jelliff, Theodore. North Dakota: A Living Legacy. Fargo: K & K's, 1983/1989. Revised editions are available from Northern School Supply Company in Fargo.

North Dakota, Secretary of State. 1989 Centennial North Dakota Blue Book. Bismarck, ND. (Copies available to Close Up schools at $4.00 through Close Up, Department of Public Instruction, State Capitol, Bismarck, North Dakota.)

Omdahl, Lloyd B. 1989-91 Governing North Dakota. Grand Forks: University of North Dakota Bureau of Governmental Affairs, 1989.

Vipond, Leo F. Teacher's Manual: 1989-91 Governing North Dakota. Update by Denise Flanagan. University of North Dakota Bureau of Governmental Affairs, 1989.

Additional resources relating to the North Dakota legislative system that are available from the school library media center or in the classroom should be utilized.

The Legislative Council supplied the information used in developing four of the issues selected for debate during the legislative simulations.

Local and state government officials, media personnel and lobbyists may be contacted for further information.

Copies of Governing North Dakota are available through the Bureau of Governmental Affairs, Box 7167, University of North Dakota, Grand Forks, North Dakota 58202.

Governing North Dakota:

1-10	$3.95
11-50	$3.55
51-100	$3.25
101 and up	$2.85

THE TEACHER'S ROLE IN THE STATE CLOSE UP EXPERIENCE

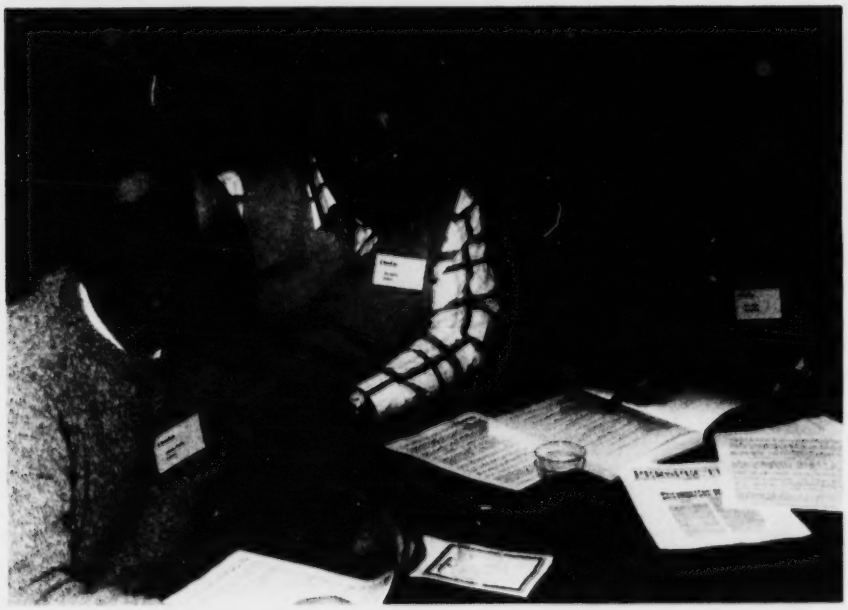
North Dakota CLOSE UP will be an exciting experience for the teachers as well as for the students. In several ways the teacher will play an important role in making the CLOSE UP Experience the best it can be.

1. In order for students to gain as much as possible from their North Dakota Close Up Experiences, they need to know all they can about the state legislative branch of government, state officials, and current issues. This will enable them to be actively involved in the Close Up activities. They should be familiar with the content and format of this guide. By using this guide and the resources mentioned, the preparation can be done easily and effectively. All selected Close Up instructional and student activities must be reflective of the school's philosophy, goals and objectives.

2. Throughout the Experience the assistance of teachers will be solicited to advise, chaperone and supervise. In addition, the teachers will have an opportunity to participate in several inservice sessions.

3. In "Extending the Experience," the students will need guidance and support with writing letters, presenting a Close Up summary to the school/ community and becoming involved at the local level.

4. The teachers will be involved in the review of the program and the planning for next year's program.



TEACHER RESPONSIBILITIES

--Select Close Up participants
--Assist Close Up students in preparing for the Experience
--Complete and submit registration on or before the deadline
--Arrange transportation to and from Bismarck
--Develop and maintain a Close Up file in school
--Communicate with area legislators; arrange for a time to meet with them in Bismarck
--Meet with parents
--Become familiar with the 1989-91 Governing North Dakota and this guide. Review with students.
--Ensure that students are knowledgeable about the five selected issues contained in this guide
--Check for special medical needs, notify the Department of Public Instruction
--Encourage active participation
--Complete a program evaluation, offer suggestions for improvement
--Supervise the activities of your students during the event.

STUDENT RESPONSIBILITIES

--Study the North Dakota Close Up Participant Guide
--Read state newspapers
--Listen and watch for information relating to local and state government
--Become knowledgeable about the role and functions of local and state government, media and lobbying
--Be knowledgeable about the five issues identified in Section 3 of this guide.
--Be knowledgeable of expectations of participants involved in Close Up
--Agree to conditions listed on official Close Up forms
--Bring the North Dakota Close Up Participant Guide to Bismarck.

CLASSROOM/INDIVIDUAL ACTIVITIES

--Track a bill
--Study issues pertaining to the environment
--Complete a research project
--Organize and conduct debates
--Observe local government in action, e.g., school board, city commission, township board
--Conduct surveys of students and community members
--Interview legislators, community members, local government officials, lobbyists, and/or media personnel
--Invite a panel of legislators, media personnel and/or lobbyists into the classroom
--Conduct mock sessions, e.g., legislative sessions and/or meetings of the city council, township, school board, or county commission
--Develop scrapbook(s) on issues and/or local and state government
--Develop questions for the experience portion of the program
--Research background information on the five selected environmental topics.

STUDENT PARTICIPANT GUIDELINES FOR THE STATE CLOSE UP EXPERIENCE

In order to have the best possible CLOSE UP Experience, a few rules must be followed by the students:

--Students are expected to cooperate at all times with teachers and the CLOSE UP staff.

--Defacement or theft of property or facilities which CLOSE UP utilizes is strictly prohibited.

--Possession and/or use of alcoholic beverages or illegal drugs by students is absolutely forbidden.

--The smoking of cigarettes is prohibited throughout the CLOSE UP Experience.

--At no time are male students permitted to visit in female students' hotel rooms and vice versa.

--Students must be in their rooms at designated bed checks.

Infractions of these rules may result in immediate dismissal of the student from the program. In case of such a dismissal, the student's school and parents are notified and the student returns home, at the student's own expense, with no refund of any payments.

DAILY PARTICIPATION

Students are required to participate actively in all scheduled daily events except in case of illness. Students are expected to bring their guide to all scheduled activities. Students are responsible to be aware of the daily schedule and to be on time at all activities. Students may not leave the hotel or the group unless specific permission is granted by the teachers or the CLOSE UP staff.

GENERAL GUIDELINES

The Participant Guide is to be used during all educational program activities.

Nametags - must be worn at all times.

Dress - casual dress is appropriate at all functions. You may wish to dress up for the Monday evening dance.

Recognition by legislators - Any time you and/or your group are recognized during the session or at committee hearings, please stand briefly to be acknowledged.

Addressing legislators - It is appropriate to address in the following manner:

Senator Lips
Representative Gates

PREPARING QUESTIONS FOR THE STATE CLOSE UP EXPERIENCE

You can prepare some of your questions before your trip and then rework them to fit the occasion when you get to Bismarck. When formulating your questions, consider the following:

--the topic of discussion

--the speaker(s) and his or her areas of expertise

--what you really want to know--facts, definitions, opinions, relationships, emotional reactions, or evaluations

Factual Questions:	Ask for specific data about events or issues.
Defining Questions:	Ask the speaker to explain a concept, term, idea, or issue.
Opinion Questions:	Ask for the speaker's judgment without asking for a full evaluation.
Emotion Questions:	Ask for the speaker's feelings about a situation.
Evaluation Questions:	Ask for the speaker's judgment about a situation or statement and request reasons and facts to support this judgment.

--what a satisfactory answer would include.

On page 3 is the agenda including all the sessions in which you will participate. Based on your preparation for CLOSE UP--learning about governmental processes, examining issues, reading the newspaper, watching television news--jot down a few questions you have. Then write your questions in the note paper provided in the very back of this guide.

Think about each of your questions as you write them: Do you want to ask the speaker a factual question, or a defining question? Do you want to know the speaker's feelings or opinions? Do you want the speaker's full evaluation? You will get better answers from the speakers if you ask clear, thoughtful questions.

Close Up Experience Activity

When Close Up participants are asking questions, see if you can identify the question type--factual, defining, opinion, emotion, or evaluation. This will provide you with an idea of the answer that will be forthcoming. It may also assist you in rephrasing your question(s), if appropriate.

If the question you have formulated has been posed by other Close Up participants, you may elect to: 1) rephrase your question to seek additional information or clarification, 2) formulate new questions and indicate that in your notes or 3) pass and indicate in your notes that the question had been asked by other participants.

Section 3

The Legislative Branch of North Dakota
(How the Legislative System Works)

STATE GOVERNMENT

The North Dakota system of government is modeled after our federal system. Under our federal system states keep considerable power. The Tenth Amendment to the U.S. Constitution declares that states retain all powers (reserved powers) other than those denied or granted solely to the federal government (delegated powers). Therefore, since the federal government is responsible for national defense, treaties with other countries, coining money, etc., the states are without power in those areas. States do have broad jurisdiction in a wide range of other areas including criminal law, property rights, education, public health and welfare, highways and local government.

State government consists of legislative, executive and judicial branches.

1. Legislative Branch

   Like the federal Congress, our legislature proposes legislation, holds hearings and votes on proposed legislation. Unlike the Congress, our legislature is required by the North Dakota Constitution to take final action on each and every bill introduced. In the North Dakota legislature, a bill cannot be killed in committee. Both houses of the legislature must pass a bill in order for it to come to the Governor's desk to be signed or vetoed.

   During hearings on bills, the public may offer testimony directly to the committee either supporting or opposing the bill.

   When the bill comes to the Governor he may decide to sign it, not to sign it, allow it to become law without his signature, veto the entire bill, or he may veto a line item or items in appropriation bills only. If a bill is signed, it becomes law July 1 of that year. The legislature may pass an emergency clause by a two-thirds vote. In that case, the law becomes effective upon being signed. If the Governor vetoes a bill, the legislature may pass it over his veto by a two-thirds vote.

2. Executive Branch

   When a bill becomes law, it is generally the duty of the governor and the agencies under his control to implement those laws. The laws may pertain to other elected officials or the judicial branch, in which case those officials would implement the law.

   Because North Dakota has so many elected officials, more than any other state, the Governor's authority is somewhat diluted in that each elected official can set his or her own policies, rules and regulations, without the Governor's approval.

   In North Dakota only the Governor has authority to issue executive orders which have the force and effect of law. The Governor also has responsibility for compiling and submitting the budget for all of the executive offices in state government.

The Governor can and does establish Commissions or task forces to study questions and make recommendations. There are 15 officials who are appointed by the Governor. These appointees manage such agencies as the Department of Health, Human Services, Transportation and others.

3. Judicial Branch

The judicial branch of North Dakota government interprets the laws passed by the legislature and signed by the Governor. The constitution of North Dakota provides for the election of judges on a nonpartisan basis. The debate about whether state judges should be elected or appointed is an ongoing one. The Judicial Branch is divided into four permanent courts: The Supreme Court, District Court, County Court, and Municipal Court. In 1987 a temporary Court of Appeals was also established. Only the Supreme Court and the District Courts are constitutional courts. All other courts in the state are statutory courts.

In the criminal justice system, the judiciary, or court system, has three general functions. First is the speedy determination of guilt or innocence of individuals who are charged with criminal offenses. The second function is the sentencing of those individuals convicted of crimes. Third is the protection of rights of the offender. The court accomplishes these functions by the trial of an accused offender.

THE ROLE OF THE STATE LEGISLATURE

The legislature is the policymaking branch of government. It decides on the policies or laws to be followed by the people of the state. Since this is such a major function of the legislature, many people forget that the legislature performs a whole range of functions.

1. Pass Laws - The vast majority of the legislature's time is taken up with passing laws. Every session the North Dakota Legislative Assembly handles close to 1,000 proposals of laws.

2. Oversight - A growing responsibility for the state legislature is called "oversight." This term refers to the task of overseeing the activities of government to be sure that the money and powers given to state and local governments are being handled the way the legislature intended.

3. Constituent Service - Legislators are frequently asked by their constituents (people who live in their districts) to help them in dealing with government.

4. Approve Executive Appointments - Under the system of "checks and balances," the three branches of government are to serve as checks on each other. One of the checks is the requirement that key appointments made by the governor be approved by the legislature before the appointments can become final.

5. Caretaker of the State Constitution - The legislature proposes most amendments to the state constitution. As a consequence, each session of the legislature proposes several amendments to the people for their consideration.

6. Represents the State In the Federal System - Since 25 of the 26 amendments to the United States Constitution were submitted to the state legislatures for consideration, it is safe to say that the legislature represents the state in deciding which amendments to the U.S. Constitution will be adopted.

7. Express Opinions - The legislature also passes resolutions of different kinds expressing opinions on behalf of the state and federal agencies and officials, to other states, to interstate organizations, or to anyone else it chooses. Sometimes these resolutions are joint (both houses) resolutions and sometimes they are passed by just one house.

Omdahl, Lloyd B. 1989-91 Governing North Dakota. Grand Forks, ND: University of North Dakota Bureau of Governmental Affairs, 1987, pp. 50-51.

ELECTION OF LEGISLATORS

Precinct

Counties, cities and townships determine boundaries of election precincts. Individuals must vote at the polling place in their designated precinct.

The Secretary of State is Chief Election Officer for the State. Each city and county appoints an inspector who, together with members of the counties' official election board, oversees the election process.

Legislative Districts

Because both houses of the Legislature must represent an equal number of people, legislative districts have been established by the state legislature. Populations within the legislative districts must stay within a 10 percent range between the district with the highest population and the district with the least. Because of a population growth in certain sectors of the state, 3 new senatorial districts were created following the 1980 federal census. With the exception of Minot and Grand Forks each having a 2-senator district, all other legislative districts are single-senator districts. There are two representatives per district. The next legislative reapportionment will occur after completion of the 1990 federal census.

Political Party

North Dakota has a two-party political system - Republicans and Democrats. A political party consists of people that support and advocate the same philosophy and principles. Individuals who subscribe to work for a party are called partisan.

Candidates may run independent of party affiliation if they obtain 7,000 signatures on a petition to place their name on the ballot.

North Dakota has two elective offices that, by law, are placed on a no-party ballot. They are the Superintendent of Public Instruction and the Labor Commissioner.

Platform

A legislative candidate presents a platform to the constituents in the legislative district. A platform is based on a plan of action, statement of policy or a group of principles.

Constituents

Constituents are the body of citizens in the legislative district who elect the candidate to represent their interests.

ORGANIZATION OF THE LEGISLATIVE BRANCH

North Dakota state government is patterned after the federal government with three separate but equal branches as provided for in the state constitution. The Senate and House of Representatives constitute the Legislative Assembly.

The Senate consists of 53 members; the House of Representatives has 106. Senators serve terms of four years with approximately half up for election every two years based on whether they are from even-numbered or odd-numbered legislative districts. Even-numbered Senators run in Presidential election years; odd-numbered in non-Presidential years. Representatives serve two-year terms; all 106 members are up for reelection every two years.

Meeting on a biennial basis, the Legislative Assembly convenes on the first Tuesday after January 3 but not later than January 11 of odd numbered years. Adjournment is generally March or April. The 52nd Legislative Assembly convenes January 7, 1991.

The Constitution gives the Legislative Assembly the option of using 80 natural days on other than a consecutive basis during the biennium. Although that reconvened option is available, the Legislative Assembly has only employed it once: reconvening in the fall of 1981 to reapportion. It is most likely that this same procedure will be followed for reapportionment in 1991.

The Constitution permits the Legislative Assembly to meet in the month of December in even-numbered years for the purpose of orientation and organization. The Constitution also grants the Legislative Assembly the authority to establish its own rules.

It is customary for the members of the House and Senate to organize along political party lines. Members of each political party from the respective houses meet in caucus to select leadership. Leaders of each caucus and particularly the majority leaders of each house are recognized as having considerable power in the legislative structure.

The House of Representative elects one of its members to serve as Speaker. In North Dakota, there is a tradition that each Speaker serves only one term. The Lieutenant Governor, although a member of the executive branch, serves as President of the Senate, voting only in case of a tie. The Senate elects one of its members as President Pro Tempore to preside in the absence of the President.

Much of the work of the Legislative Assembly is conducted by committees. The rules adopted by each house provide for a certain number of committees based on subject matter. Legislators are asked on which committees they wish to serve and then are appointed to specific committees. In the House appointments are made by the Speaker and in the Senate by the Committee on Committees. Political parties generally are represented on committees in approximately the same proportion that they represent in the respective houses.

After a bill or resolution is introduced, it is referred to the committee that handles the appropriate subject matter. Public hearings are held with members of the public welcome to appear and testify. In North Dakota committees cannot kill bills but must report back to the floor every bill for a recorded roll

call vote. After a bill passes one house it goes to the other house following exactly the same procedure.

Once a bill passes both houses, it goes to the Governor for consideration. The Governor may sign a bill, veto it, or refuse to sign thereby allowing the bill to become law without a signature. A vote of two-thirds of the legislators in both houses is necessary to over-ride a veto.

(For a more detailed review of the legislative process, use the University of North Dakota's Bureau of Governmental Affairs paperback: Governing North Dakota.)

Submitted by the Legislative Council

LEGISLATIVE STANDING COMMITTEES

While the entire legislative process is important, the real work is done in the standing committees. These are committees of legislators organized to research and review bills relating to particular subjects, such as agriculture, natural resources, or transportation. Unlike interim committees, standing committees operate during the legislative session and consist of members of one house. Bills are introduced in either House. After a first reading, they are assigned to a standing committee. Agriculture bills introduced in the House are assigned to the House Agriculture Committee, those introduced in the Senate are assigned to the Senate Agriculture Committee.

When a bill is sent to committee, the committee studies it and makes recommendations. The committee may make amendments to the bill; however, all bills that are sent to committee must be reported to the floor of the legislative chamber.

Once the committee has examined the bill and made its recommendations, it is sent to the floor of the House or Senate for action.

There were 11 standing committees during the 1989 legislative session and one joint committee:

Committee Names	Senate Committee Members	House Committee Members
Agriculture	8	16
Appropriations	14	23
Education	7	18
Finance and Taxation	8	17
Industry, Business and Labor	8	16
Judiciary	7	16
Natural Resources	7	17
Political Subdivision	7	15
Human Services and Veterans Affairs	7	16
State and Federal Government	7	14
Transportation	8	16

The joint committee on constitutional revision was made up of five members of each house and its job was to study and recommend proposals for amending the state constitution.

The speaker of the house and the president of the senate determine which bills are assigned to the standing committees of their respective house.

The organizational session for the 1991 52nd Legislative Assembly was held in December, 1990.

NORTH DAKOTA LEGISLATURE
(FLOOR ACTION)

See page 41 for the Order of Business for the Senate and House.

Floor action relating to bills.

Once the committee has arrived at its recommendation, the bill is reported back to the full House or Senate. It is scheduled on the "calendar." The bill and its committee recommendations are then discussed by the full chamber and a decision is made. For a bill to pass and be sent to the next house, it must be approved by a "constitutional" majority, i.e., one more than half of the members elected to the body. This requirement of a constitutional majority means that an absent member is the same as a "no" vote.

When a bill is up for final passage, a recorded roll-call vote is required in which every member present must publicly cast his/her vote. To get a quick tally of the votes, electronic voting machines have been used in the House since 1947 and in the Senate since 1949.

A bill which has been passed by one house is sent to the other house where it must go through the entire procedure all over again--from introduction, first reading, committee consideration and committee recommendation to floor consideration.

When the two houses disagree over a bill, each house appoints a committee of three to meet as a joint conference committee of six to iron out the difference between the two versions of the bill. Once agreement is reached, the conference committee's recommendations for resolving the differences are presented to the two chambers. If both chambers agree with the report, the measure is then passed. If they do not agree with the report, they may appoint new conference committees to meet until agreement is reached. Sometimes they never agree and the bill dies for lack of agreement.

When the bill has been passed by both houses in exactly the same form, it is dispatched to the governor. Under the constitution, he has several options--signing it, letting it become law without his signature, or vetoing it. If he vetoes it, it takes two-thirds of both houses to override his objections.

Omdahl, Lloyd B. 1989-91 Governing North Dakota. Grand Forks, ND: University of North Dakota Bureau of Governmental Affairs, c1987, pp. 64-66.

BILLS AND RESOLUTIONS

Bills, if passed by the Legislative Assembly, become law. Resolutions are used to express legislative opinion or intent, and to propose state constitutional amendments or to approve amendments to the U.S. Constitution.

Who May Originate A Bill or Resolution?

Although bills or resolutions may be proposed or initiated by lobbyists or individuals, they must be sponsored by someone within the legislative system and they must be introduced in one of the house chambers. Each executive agency and the Supreme Court shall file those bills they wish to have introduced with the Legislative Council during the organizational session, or thereafter, but no later than December fifteenth prior to the ensuing regular session. Such bills will be deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill. The Legislative Council will deliver those bills to the President of the Senate or the Speaker of the House for recording and numbering. Executive agency and Supreme Court bills will be identified by noting the name of the agency or the court under the name of the sponsoring committee.

In North Dakota, individuals may initiate laws through a petition system. The proposed law is then put on the ballot to be voted on by the public.

How Is A Bill or Resolution Introduced?

A bill or resolution is introduced in one of the house chambers. However, members of both houses may co-sponsor a bill. Introduction for proposed legislation may be made by 1) Legislators, 2) Standing Committees, or 3) the Legislative Council.

Once a bill or resolution is introduced to a chamber, it is checked for correct style and form and given a bill number. House bills begin with the number 1001 and Senate bills begin with 2001.

Information on page 40 depicts "HOW A BILL BECOMES A LAW" which is a copy of a brochure provided through the courtesy of the North Dakota Association of Realtors.

Single House Resolutions

A single house resolution is voted upon only by the house of introduction and may be used to take action affecting its own concerns or procedures.

Memorial Resolutions

A memorial resolution is used by a single house to express condolences.

Concurrent Resolutions

A concurrent resolution must pass both houses of the legislative assembly. It is used for proposing constitutional amendments, directing Legislative Council studies, expressing legislative approval, authorizing expenditures, or expressing an opinion to Congress or to the President.

THE ROLE OF THE LEGISLATIVE COUNCIL

The North Dakota Legislative Council which consists of 15 legislators was created in 1945. Until 1969 the body was known as the Legislative Research Committee. By statute, the Legislative Council consists of seven senators and eight representatives, including the majority and minority leaders of both houses and the Speaker of the House of Representatives. The statute provides that the Speaker appoints five other representatives, two from the majority and three from the minority from a list of nine members recommended by each party. The Lieutenant Governor, as President of the Senate, appoints three senators from the majority and two from the minority from a list of seven members recommended by each party. The Legislative Council is thus composed of eight majority party members and seven minority members, depending on which political party controls the senate.

The Council elects a chair from its membership. At the end of each legislative session, a new Legislative Council is named. Although the Legislative Council has the authority to initiate studies or other action deemed necessary between legislative sessions, much of its work results from study resolutions passed by both houses. Following the close of a regular legislative session, the Council meets to determine studies and designate interim committees. Legislators serve on one or more interim study committees.

Several interim committees, such as the Administrative Rules Committee, the Budget Section, the Garrison Diversion Overview Committee, the Legislative Audit and Fiscal Review Committee, and the Retirement Committee, are statutorily established or perform duties imposed by state law.

Between sessions, the interim study committees conduct meetings to hear testimony; to review information provided by staff, state agencies and interested parties; and to consider alternative approaches to issues raised. Interim committees submit the results of their work to the Legislative Council, the November preceding a legislative session. At that time the Council accepts, rejects, or amends committee reports. The Council then presents recommendations it has accepted, together with bills and resolutions necessary for implementation, to the Legislative Assembly. The Legislative Council is, in a sense, the Legislative Assembly working between the sessions.

On November 13 and 14, 1990, the Legislative Council met to make its recommendations. After the meeting, a comprehensive report detailing each of the interim studies and resulting recommendations was made available through the Legislative Council office.

In addition to conducting studies, the Legislative Council, through its staff, provides a wide range of service to legislators, other state agencies, and the public. The Council supervises the publication of the session laws, the North Dakota Century Code, the North Dakota Administrative Code; handles the financial administration of the legislative branch; develops and provides computer services for the Legislative Assembly; considers problems of state-wide significance that surface during an interim; represents the Legislative Assembly at interstate organizations such as the National Conference of State Legislatures, Council of State Governments, the Midwestern Legislative Conference, the Five State Legislative Conference, and the National Conference of Commissioners on Uniform State Laws.

Attorneys on the Legislative Council staff provide legal advice on legislative matters to legislators and legislative committees. The Council also has on its staff the Legislative Budget Analyst and Auditor who, with assistants, provide technical expertise to budget and appropriations committees and who reviews audit reports from the Legislative Audit and Fiscal Review Committee. A data processing division provides computer services including research, bill drafting, and publishing capabilities. The Legislative Council library collects and maintains materials of contemporary and historical legislative reference.

Nearly every facet of state government has been influenced by one or more of the Legislative Council's interim studies over the past 40 years. Statutory revision, government reorganization, and creation of laws affecting development of coal, oil and gas resources have been highlights of several interim studies. Also considered during a number of interims was the expansion of the University of North Dakota Medical School. Additional subjects which have been regularly studied include school finance, higher education issues, property tax levies, legislative rules, energy development, and court systems.

Perhaps the most value to citizen legislators are the Legislative Council committees which permit members to keep up with rapidly changing developments in complex fields. Among those are the Budget Section which receives the executive budget just prior to each legislative session. Another example is the Administrative Rules Committee allowing legislators to monitor executive branch department rules and regulations.

Submitted by the Legislative Council

HOW ADMINISTRATIVE RULES ARE ADOPTED UNDER NORTH DAKOTA LAW

North Dakota administrative agencies have the authority to adopt, amend, or repeal rules, in order to prescribe methods and procedures to implement the provisions of statutes administered or enforced by the agency. By definition, an administrative agency is any board, bureau, commission, department, or other administrative unit of the executive branch of state government. When a new law is passed affecting an agency, a new rule to implement the statutory change must be adopted within nine months of the effective date of the newly adopted law.

Every rule proposed by an administrative agency must be submitted to the Attorney General for an opinion as to its legality before final adoption. The Attorney General may suggest any revision or rewording of a rule to meet objections to the legality.

Upon becoming effective, rules have the force and effect of law until they are amended or repealed by the agency, declared invalid by a final court decision or determined repealed by the office of the Legislative Council because the authority for adoption of the rules is repealed or transferred to another agency. A copy of the rule adopted by an administrative agency and the Attorney General's opinion on that rule are to be filed with the office of the Legislative Council for publication in the North Dakota Administrative Code.

The following entities are not agencies for purposes of the administrative agencies practice act:

1. Office of Management and Budget, in part
2. Adjutant General, in part
3. Council on the Arts
4. State Auditor
5. Economic Development Commission
6. Dairy Promotion Commission
7. Education Factfinding Commission
8. Educational Telecommunications Council
9. Board of Equalization
10. Board of Higher Education
11. Indian Affairs Commission
12. Industrial Commission, in part
13. Director of Institutions

14. Board of Pardons

15. Parks and Recreation Department

16. Parole Board

17. Superintendent of Public Instruction, in part

18. State Board of Public School Education, while administering the State School Construction Fund

19. State Fair Association

20. State Toxicologist

21. Board of University and School Lands, in part

22. Administrative Committee on Veterans Affairs, in part

The adoption of administrative rules is accomplished by the following five steps:

1. The first step is to determine whether the state agency or official is required to adopt administrative rules under the administrative agencies practice act. The agencies listed above are not required to follow the requirements in that Act.

2. Rules are next drafted by the agency. Each administrative agency or state official is responsible for drafting rules for that agency. Specific guidelines establishing drafting requirements are provided by the North Dakota Legislative Council.

3. Before any rule is adopted, amended, or repealed, the administrative agency must provide a procedure for public input, either orally or in writing, relative to the feasibility of the rule. An agency's notice of proposed rulemaking must include an explanation of the purpose of the rule, location where the text can be reviewed, address where written views can be sent, and, if the rule is substantive, the time and place set for an oral hearing. The notice must be with the office of the Legislative Council and published twice in each daily newspaper of general circulation published in the state. Before any rule becomes final, it must be submitted to the Attorney General to determine whether it is in compliance with state law. The Attorney General cannot approve any rule if it merely repeats or rephrases the text of a statute which is being implemented, nor may the Attorney General approve the rule if it exceeds the statutory authority of the agency, or is not concise or easily understandable.

4. After the rule has been officially approved in writing by the Attorney General, and an opportunity for public comment has occurred, the agency may formally adopt the rule. At that point, a copy of the rule along with the Attorney General's written approval is filed with the Legislative Council of North Dakota.

5. Rules become effective and have the force and effect of law on the first day of the month after the month of publication in the North Dakota Administrative Code. If the immediate publication of a rule is a necessity, the agency or official can declare a rule an interim final rule. In that case, the rule will become effective on a date no earlier than of the filing of the notice with the Legislative Council. Interim final rules, however, can only be adopted where there is imminent peril to the public health, safety or welfare or because a delay would result in a loss of revenues appropriated to support a duty imposed on the agency. Administrative agencies must take steps to make interim final rules known to those persons who may be affected by them.

Submitted by the Legislative Council

THE ROLE OF THE EXECUTIVE BRANCH IN THE LEGISLATIVE PROCESS

The relationship between the executive and legislative branches of government in North Dakota is one that is continually evolving. It is a relationship built on communication . . . one that only works as a result of cooperation.

The need for cooperation and communication between the executive branch and the legislative branch can best be understood by examining a bit of our state's history. When North Dakota became a state in 1889, its citizens had already experienced 28 years of territorial government.

Their reflections on the quality and trustworthiness of that government are evident in the state's constitution. When the delegates to North Dakota's first Constitutional Convention met in Bismarck on July 4, 1889, they voiced their suspicions of government in the new constitution. The structure of the territorial government had often been corrupted by those who held office and, frankly, they intended to insure it would never happen again in the new State of North Dakota.

The constitution they wrote is three times as long as the federal government's constitution. It is surprisingly specific, flatly reserving the power of government for the people. It insures that the citizens have the power to make laws (initiative), to recall public officials and to withdraw laws (referendum) from the books. It reserves for the people the right to amend the constitution, but it makes the process accessible.

All of this is important in understanding the relationship between the executive branch and the legislative branch because certain powers were granted to each. The writers of the constitution placed restraints on the powers of both the governor and the legislature--delicately balancing the duties and responsibilities of governing the new state between the branches of government.

While the constitution makes the governor responsible for the government of the state, it strictly limits the governor's accountability and provides a check and balance that accommodates differing political interests. This was achieved by decentralizing the executive branch of government. North Dakotans elect 14 independent office holders. Each carries out the various programs according to the public mandate and the will of the people, not necessarily according to the will of the head of the executive branch--the governor.

This makes being governor of the State of North Dakota a difficult job. The governor does not have complete authority over the executive branch or over the administration of state government. However, the governor does control 14 key departments of government. In addition, the state's chief executive appoints the members of some 90 boards, commissions and agencies that control or influence other areas of public policy.

The job of governor requires a complex blend of talents and skills. First of all, the governor is an administrator with control over much of the state's budget. Secondly, the governor is a coordinator. The influence of the position allows the governor to bring various groups and individuals together, encouraging them to work together for a common goal.

The governor is a manager, with responsibility for personnel and the operation of agencies under his control. This includes commanding the state's militia, or National Guard, when they are not in the service of the federal government; acting as a judge in the official role as chair of the Pardon Board, granting pardons for offenses against the state; and acting as the state's ambassador to other states and, in many cases, to foreign governments.

But, perhaps most importantly, the governor is an active participant in the legislative process. The governor has a responsibility to develop and submit to the legislature prior to the beginning of the session an Executive Budget. This important document outlines the governor's recommendation for the operation of the Executive Branch of state government. It includes suggested funding levels for state government programs and, if necessary, recommendations for tax increases to pay for needed government services.

The Executive Budget usually becomes the blueprint for government spending. While it is only a starting point and is subject to legislative review, change and approval, it can have a significant influence on policies and programs by bringing needs, benefits, issues and potential conflicts to light.

The process of developing the Executive Budget is one of the governor's most important functions. It takes many months and involves a great deal of study. Many decisions are made at each of the various steps in the process that eventually produces the budget blueprint.

Governor George Sinner presents his budget message
to the Legislature

The governor has another influential method of focusing attention on priorities. At the beginning of each legislative session, the governor is charged by the constitution with communicating to the assembly the condition--or state of the state "recommending such measures as he/she shall deem expedient." These two procedures are the governor's formal methods of formulating and communicating proposals for public policy to the legislature.

Once the legislature is in session, the governor helps provide information from the agencies of the executive branch on bills being considered. Inasmuch as most of the programs enacted by the legislature are carried out by agencies in the executive branch, this information and cooperation can be invaluable.

One agency that is especially important during the legislative process is the Office of Management and Budget. In conjunction with the State Tax Department, they provide revenue forecasts estimating the state's income over the biennial budget period. This "financial planning" is an important and necessary part of the legislative session.

The governor also has the authority to sign bills into law or, if the bill is not considered to be in the best interest of the state, to veto it, sending it back to the house where it was first introduced. The legislature can override the veto with a two-thirds vote in each house.

The governor may also express displeasure with a bill by "leaving it on the desk." If the governor has neither signed, nor vetoed a bill after three days (excluding Sundays), it becomes law without his/her signature.

If the legislature adjourns and the governor has several bills to act upon, he/she has 15 days to take one of the three actions--sign it, veto it or leave it on the desk, whereupon it becomes law.

Importantly, the governor of North Dakota also has the power of "line item veto." This allows the governor to veto a part of an appropriations bill, while letting the rest stand. This also allows the governor to influence spending for individual items or programs and diminishes the legislature's ability to "jackpot" appropriations.

The constitution strictly prohibits the governor from threatening or implying the use of a veto. This is designed to minimize the governor's influence on the legislative process, as a threatened veto could diminish support or enthusiasm for a bill. However, the executive budget process, the State of the State message and the testimony process provide the executive branch with ample opportunity to make a case for or against measures the governor supports or opposes.

The governor's role in the lawmaking process, like that of the entire executive branch, is one of communication, coordination and cooperation with the legislative branch. The governor definitely holds a leadership role in defining the condition and priorities of the state, both through the executive budget and the State of the State message. When added to the veto power, these functions make the governor an important participant in the legislative process.

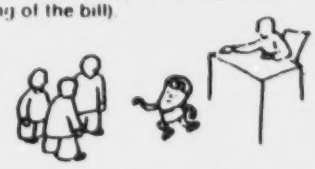
Just as the Main Street in your community runs two ways, so do the lines of communication and cooperation between the executive and legislative branches of government. Both branches must work together to create and maintain a good system of government for the people of North Dakota.

HOW A BILL BECOMES A LAW

1 After the preliminary business of opening a session, the presiding officer (the Lieutenant Governor in the Senate and the Speaker in the house) calls for an introduction of bills.

2 Any legislator may hand his bill to the bill clerk. Bills are usually prepared by the Legislative Council for introduction by a legislator. If a bill is not prepared by the Legislative Council, it must be reviewed by the Legislative Council Office for proper form and style.

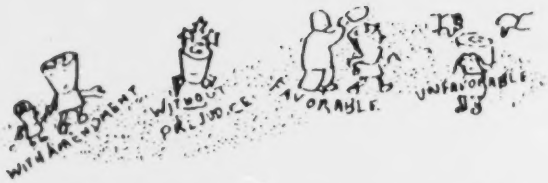
3 The bill clerk stamps a number on the face of the bill and the chief clerk of the House or the Secretary of the Senate reads the bill by title only. (This is called the first reading of the bill).



4 The presiding officer refers the bill to the proper committee.

5 In committee the bill is read and discussed.

6 Public hearings are held on every bill.



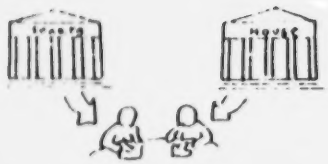
7 The full committee may (a) report the bill unfavorably, (b) report it favorable with or without amendment, (c) report it without any recommendation.

8 Each committee reports to the House or Senate on the bills which have been referred to it. All bills, regardless of type of committee report, will be placed on the calendar for final passage.

9 If the committee recommends an amendment, the amendment is placed on the calendar and adopted or rejected prior to the bill itself, being placed on the calendar.

10 When a bill comes up on the calendar, it is read again. This is known as the second reading and is the time which the bill can be finally passed, or is killed. Then the bill is debated on the floor of the House or Senate.

11 The bill is then (a) defeated, (b) passed. If passed the bill is delivered (messaged) to the other house.



12 If second house passes the bill in the same form, it is sent to the Committee on Enrollment and Engrossment, signed by presiding officers and sent to the governor. If the second house passes the bill in a different form (amends the bill) it is sent back to the first house for concurrence. If the first house does not concurr, the presiding officer of both houses appoints a conference committee.

13 This conference committee makes recommendations to both houses and both houses must approve the bill in the same form. The bill is then signed or vetoed by governor. If signed, it becomes law (usually becomes law on July 1).

14 If vetoed, it can become a law by a ⅔ vote of both houses.

15 A bill, once passed, may be repealed, wholly or in part, through a vote of the electorate, a referendum.

16 A law may also be proposed and acted upon by the electorate by means of an initiated measure.

NORTH DAKOTA LEGISLATURE
ORDER OF BUSINESS

SENATE ORDER OF BUSINESS

The Order of Business shall be as follows:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reference to the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and certain divided committee reports.
8. Motions and Resolutions.
9. First Reading of Senate Bills and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of Senate Bills and Resolutions.
12. Consideration of Messages from the House.
13. First Reading of House Bills and Resolutions.
14. Second Reading of the Same.
15. Unfinished Business.
16. Signing of Bills and Resolutions.
17. Announcements.

HOUSE ORDER OF BUSINESS

The Order of Business shall be as follows:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reference to the Journal.
4. Presentation of Petitions and Communications
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and certain divided committee reports.
8. Motions and Resolutions.
9. First Reading of House Bills and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of House Bills and Resolutions.
12. Consideration of Messages from the Senate.
13. First Reading of Senate Bills and Resolutions.
14. Second Reading of the Same.
15. Unfinished Business.
16. Signing of Bills and Resolutions.
17. Announcements.

TABLE OF MOST FREQUENTLY USED MOTIONS
Adapted for use in NFL Student Congress

	MOTION	PURPOSE	Second Required	Debatable	Amendable	Required Vote	May Interrupt A Speaker
24.	Fix time for Reassembling	To arrange time of next meeting	Yes	Yes-T	Yes-T	Majority	Yes
23.	Adjourn	To dismiss the meeting	Yes	No	Yes-T	Majority	No
22.	To recess	To dismiss the meeting for a specific length of time	Yes	Yes	Yes-T	Majority	No
21.	Rise to a question of Privilege	To make a personal request during debate	No	No	No	Decision of Chair	No
20.	Call for the Order of the Day	To force consideration of a postponed motion	No	No	No	Decision of Chair	Yes
19.	Appeal a Decision of the Chair	To reserve the decision of the chairman	Yes	No	No	Majority	Yes
18.	Rise to a point of Order or Parliamentary Procedure	To correct a parliamentary error or ask a question	No	No	No	Decision of chair	Yes
17.	To call for a Roll Call Vote	To verify a voice vote	Yes	No	No	1/5	No
16.	Object to a Consideration of a Question	To suppress action	No	No	No	2/3	Yes
15.	To Divide a Motion	To consider its parts separately	Yes	No	Yes	Majority	No
14.	Leave to Modify or Withdraw a Motion	To modify or withdraw a motion	No	No	No	Majority	No
13.	To suspend the Rules	To take action contrary to standing rules	Yes	No	No	2/3	No
12.	To Recind	To repeal previous action	Yes	Yes	Yes	2/3	No
11.	To Reconsider	To consider a defeated motion again	Yes	Yes	No	Majority	No
10.	To Take from the Table	To consider table motion	Yes	No	No	Majority	No
9.	To Lay on the Table	To defer action	Yes	No	No	Majority	No
8.	Previous Question	To force an immediate vote	Yes	No	No	2/3	No
7.	To Limit or Extend Debate	To modify freedom of debate	Yes	Yes	Yes-T	2/3	No
6.	To Postpone to a Certain Time	To defer action	Yes	Yes	Yes	Majority	Yes
5.	To Refer to a Committee*	For further study	Yes	Yes	Yes	Majority	Yes
4.	To Amend an Amendment*	To modify an amendment	1/3	Yes	No	Majority	No
3.	To Amend*	To modify a motion	1/3	Yes	Yes	Majority	No
2.	To Postpone indefinitely	To suppress action	Yes	Yes	Yes	Majority	No
1.	Main Motion	To introduce business	Yes	Yes	Yes	Majority	No

T-Time

*Nos. 3 and 4 by:
1. Inserting
2. Adding
3. Striking Out
4. Substituting
5. Striking out and inserting

Taken from the Handbook for 1986-87 Speech Contests
Published by the North Dakota High School Activities Association.

LEGISLATIVE TERMS

Act of Legislature - a law (statue) adopted by the legislature.

Bicameral - a legislative assembly made up of two chambers.

Biennial - a two-year period; the North Dakota legislature meets "biennially" - every two years; as a result, the state budget is for a two-year period.

Bill - the proposal for a law to be considered by the legislature.

Calendar - the day-to-day working agenda of the house or the senate.

Caucus - an informal meeting of individuals who subscribe to a common political objective, such as the Republican caucus, the Democratic caucus.

Census - a count of the number of people within a given geographical area.

Century Code - the body of North Dakota law compiled in 14 volumes published in 1961 and updated for every legislative session.

Chambers - meeting place, e.g., house chambers, senate chambers.

Chief Clerk - head administrative officer in the house of representatives.

Committee - a subgroup of a larger body given an assignment of complete, usually with the understanding that it reports its findings back to the larger group.

Committee Report - in the state legislature, the recommendation of a committee on subjects assigned to it.

Committee on Committees - a committee created to decide the membership of other committees.

Conference Committee - in the state legislature, a committee made up of three members from each house to negotiate differences over a specific piece of legislation upon which the two houses disagree.

Confirm - approve; usually refers to approval by the senate of appointments by the governor of persons to fill governmental positions.

Constitutional Majority - one more than half of the members making up the assembly.

District - a legislative district is a geographic area designated to elect members of the legislature; a county commissioner district would be a subdivision of the county to elect a county commissioner.

Emergency Clause - adopted by the legislature to make the laws effective immediately upon signature of the governor.

Emergency Measure - a law having an emergency clause within it and becoming effective upon signature of the governor.

Initiative- the power of the people to propose their own law; to use the initiative, petitions must be circulated to secure the signatures of a specified number of qualified electors; the measure is then placed on the ballot for reflection or approval of the voters.

Interest Group - a group with a common interest that works to influence legislative bodies and administrative agencies; also called pressure groups.

Item Veto - the power of an executive to veto specific items of an appropriation bill adopted by the legislative brand.

Joint Committee - a committee made up of members from both houses of the legislature.

Joint Resolution - a resolution agreed to by both houses of the legislature.

Joint Session - both houses of the legislature meeting in one body.

Journals - the published record of the two houses of the legislature, setting forth the disposition of bills and resolutions, as well as other business; contains the voting records of legislators.

Law - a general rule for the conduct of members of the state adopted by the legislative assembly.

Legislative - having to do with legislating; branch of government consisting of the two houses of the legislature.

Legislative Assembly - denoting both houses of the legislature.

Legislative Council - a permanent staff of professional legislative aides under the direction of a 15-member committee made up of members from both houses of the legislature; created to handle legislative matters between sessions.

Legislative District - a geographical area designated for the purposes of electing members to the legislature.

Legislator - a member of either house of the legislature.

Lieutenant Governor - presides over sessions of the state senate; first in line to become governor if there is a vacancy.

Lobby - to seek to influence the decision of the legislature of executive agencies.

Lobbyist - person who seeks to influence governmental decisions.

Majority - more than half.

Majority Leader - the spokesman and leader of the political party in the legislature having control by virtue of having a majority; each house of the legislature has a majority leader and a minority leader.

Measure - a proposal; a bill or resolution in the legislature; an initiated or referred question placed on the ballot.

Minority Leader - the leader of the minority party in each house of the legislature.

Motion - a proposal for an action offered to a group by one of its members.

Override a Veto - passage of a measure over the objections of the governor.

Petition - a form bearing the names of citizens requesting action by a governmental official.

President Pro Tem - a member of the senate elected to serve as a temporary president when the lieutenant governor is not available to serve as president.

Procedural Committees - legislative committees designated to deal with the procedural problems of the legislature.

Quorum - a minimum number of members who must be present to legally conduct business.

Reading - official notice to the legislative chamber that a bill is moving through the chamber.

Redistrict - redraw the boundaries of districts designated for the election of legislators, alderman, or county commissioners.

Referral - the act of submitting an act of the legislature (or city government board in some cities) to a vote of the people by circulating petitions and securing a specified number of signatures.

Representative - member of the house of representatives in the state legislature.

Secretary of the Senate - chief administrative officer of the senate.

Session - meeting, North Dakota has a legislative session every two years.

Speaker - presiding officer of the house of representatives elected from among the members.

Special Committee - a temporary committee created for a single purpose.

Standing Committee - a legislative committee that exists throughout the session, receives all bills relating to specific subject areas, considers such bills, and makes recommendations to the full body.

Statute - a law.

Term - length of time a person is to hold office.

Unicameral - a legislative assembly consisting of one house.

Veto - an act of the executive in which he officially refuses to go along with an act of the legislative branch.

Taken from the 1985-87 Governing North Dakota and the Constitution of North Dakota

Lloyd B. Omdahl, Bureau of Governmental Affairs, UND.

THE NEWS MEDIA

The press (media) in America has traditionally been referred to as "The Fourth Estate" in recognition of its important and powerful role in our political system. Since its conception, the American concept of a free press has frequently stirred controversy in our country. The controversy often stems from the question "What is the fundamental function of the press in America?" This is the question which will be discussed in this article.

Many people feel that a free press is essential to our democratic system which depends on an informed, intelligent and interested body of citizens who must make decisions that affect everyone. Some reporters have felt so strongly about the importance of a free press that they have actually gone to jail to protect the confidentiality of their sources and thus the peoples' right to know.

A paramount issue central to the question of a free press is government secrecy. That is, how much should a reporter report and how much does the public have a right to know?

Democracy is based on the principle that citizens have freedom of choice. It can be safely assumed that in order to make rational choices, people must have adequate information on which to base these choices.

The aggressive press in the U.S. provides constant exposure of government activities, thereby helping to make certain that government always operates within the limits of the Constitution.

The press has established itself as a critic of society, not merely for the sake of controversy, but in order that faults and failures be exposed to the public so they might be corrected.

Some critics of the media contend that reporters are snooping into too many governmental corners these days, suggesting that they are undermining people's faith in our institutions, while others maintain that more investigative reporting should be conducted because even with a free press, power misuse in government is still very common. If the press is restricted, the argument goes, it would only foster a system laden with graft and corruption.

Government has always tended to be suspicious of those who question or criticize its policies. Former Vice President Spiro Agnew was constantly at odds with the press, frequently criticizing and questioning their methods and motives.

President John F. Kennedy actually cancelled White House subscriptions to the New York Herald Tribune because he was displeased with the paper's criticisms of his administration's policies.

There is no question that people in positions of power have an interest in protecting themselves and might support restrictions on the media. On the other hand, the people of this country have an interest in full disclosure so they might be aware of exactly what is going on.

Perhaps if citizens, public officials and media people themselves considered that the basic function of the media is to inform rather than convince, and that it is the responsibility of the consumer to gather information from several sources and weigh, check and compare all information, there would be less controversy concerning free press in America. Unfortunately, the fact is that 60 percent of the population uses television as their primary news source. Since television news stories are short and therefore generally lacking in detail, citizens may find themselves less than fully informed on the important issues of the day.

One must also remember that the news is big business; not only is it a public service to report the news, but it can also bring a profit. Additionally, people in the news media are human beings who carry their own biases with them. Although reporters generally seek to put aside personal biases when covering news stories, there are many occasions when this is not completely possible.

The importance of being a careful news consumer cannot be overstressed. You may have heard it said, "If it was in the paper, it must be true." Or perhaps someone has told you, "I never believe anything I read in the paper." Neither of these extreme attitudes exemplifies of a careful news consumer. Instead, if you approach news reporting with an open mind, you are able to see that issues can have more than one side. If you seek as much information from as many sources as possible, you will be utilizing our constitutionally guaranteed free press to its fullest, and you will be well equipped to become the informed participant that our democratic system requires.

Thomas Jefferson must have had strong feelings about the press when he stated, "Were it left for me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

Key Questions

1. Should the press merely report the news or interpret it? Why?

2. Give examples of how the adversary relationship between the government and the press benefits citizens. Give examples of how that relationship harms citizens.

3. Should a reporter be forced by the law to reveal confidential news sources in a criminal trial? Why or why not?

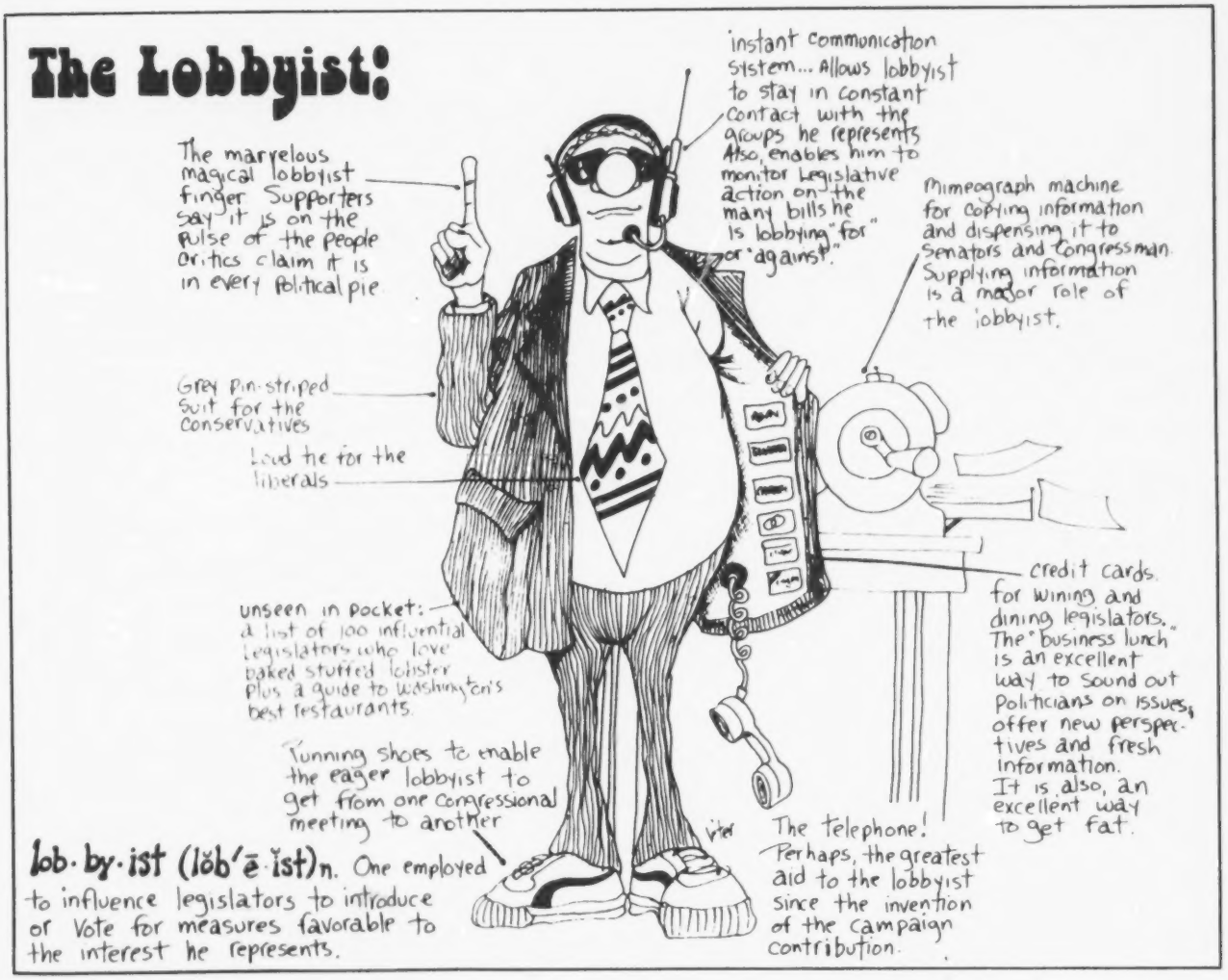
4. How powerful is the news media in this country? Do you feel it is too powerful? Not powerful enough? Give examples to back up your answer.

5. Does the public have an absolute right to know about government activities?

6. How influential are newspaper editorials?

7. Do the news media create news? Explain what makes an event newsworthy?

RHODE ISLAND BOOK, Rhode Island Department of Education, 1980.


The Lobbyist:
instant communication system... Allows lobbyist to stay in constant contact with the groups he represents Also, enables him to monitor Legislative action on the many bills he is lobbying "for" or "against."
The marvelous magical lobbyist finger. Supporters say it is on the pulse of the people critics claim it is in every political pie.
Mimeograph machine for copying information and dispensing it to Senators and Congressmen. Supplying information is a major role of the lobbyist.
Grey pin-striped suit for the conservatives
Loud tie for the liberals
credit cards for wining and dining legislators. The "business lunch" is an excellent way to sound out politicians on issues, offer new perspectives and fresh information. It is also, an excellent way to get fat.
unseen in pocket: a list of 100 influential Legislators who love baked stuffed lobster plus a guide to Washington's best restaurants.
Running shoes to enable the eager lobbyist to get from one congressional meeting to another
The telephone! Perhaps, the greatest aid to the lobbyist since the invention of the campaign contribution.
lob·by·ist (lŏb'ē ĭst) n. One employed to influence legislators to introduce or vote for measures favorable to the interest he represents.

Has this been your perception of a lobbyist? What purpose does a lobbyist serve?

LOBBYING AND INTEREST GROUPS

Lobbyists are essential to the American form of government. They supply legislators with a wealth of information that otherwise would not be available. Without this information, the legislators would be dependent upon the executive branch for all (or much of) the information upon which to base decisions which would seriously impair the separation of powers. The term "interest group" refers to a group that attempts to influence the outcome of legislation and/or policy. State Law requires lobbyists to register with the Secretary of State. Is your seminar speaker a registered lobbyist? Why or why not?

Although the law requires the registration of those whose principal occupation is affecting legislation, many people who are not registered do lobby, including citizens. Look at the chart below to see how many different types of interest groups are involved in the political process.

Interest Groups--Whom They Lobby and How

Who Lobbies	Who Is Lobbied	Methods of Lobbying
Individuals Local Officials Other Legislators Citizens Business/Industry ND Retailers Assoc. ND Beer Wholesalers ND Buildings & Trades Labor Unions AFL-CIO United Mine Workers Ironworkers Health Associations ND Health Care Blue Shield of ND ND Medical Assoc. ND Chiropractic Assoc. Agriculture ND Farmers Union ND Farm Bureau Utilities Northern States Power Rural Electric Cooperatives Montana Dakota Utilities Transportation Burlington Northern Railroad Company ND Aviation Association ND Motor Carriers	Legislators Representatives Senators Staff Members Committee Members The Executive Branch Agencies Economic Development Securities Commission Workmen's Compensation Departments Health Human Services Public Instruction Highway Motor Vehicle Institutions Tax Labor	Personal Contact Meet with government officials or members of their staff to provide them with credible information. Grassroots Lobbying Organize and conduct mass mailings and phone-ins. Education Campaigns Inform citizens and government officials about an issue. Coalition-building Bring different organizations together to support or oppose one issue or a group of related issues.

This is just the beginning. Can you identify additional categories and groups?

Section 4

Program Activities and Selected Issues

INTRODUCTION TO THE PROGRAM ACTIVITY PORTION OF THE 1991 CLOSE UP PROGRAM

The student activities portion of the Close Up Program, as indicated on the proposed agenda in the front of this guide, will center on the functioning of the legislative standing committees and the floor action of the House and Senate.

The 220 student participants will be divided into 10 groups of 22. Each group will conduct simulations and will be preassigned one of the five selected environmental issues contained in this guide to be studied and debated in legislative standing committees. The culminating activity will take place on Tuesday morning when each of the standing committees will carry its assigned bill with the committee's recommendations to the floor of the respective house. Participants should be prepared to debate all five issues during floor action of the House or Senate.

Please review the Program Activity section of this guide carefully and think about which of the roles in the simulation game you would like to play. EVERYONE WILL PARTICIPATE IN THE SIMULATIONS. The more familiar you are with the contents of the guide, the better prepared you will be to actively participate in February.

The following are the roles students will be asked to play during the simulations:

Standing Committee Chair
Standing Committee Vice Chair
Clerk of the House or Secretary of the Senate
Legislators
Lobbyists

Each student will receive informational materials and a role card to help develop that role in the simulation. Roles will represent Republicans and Democrats, opponents and proponents of specific issues, assignments to the House or Senate, legislator and lobbyist.

Kids get their day in court

By JANELL COLE
Tribune Staff Writer 2/6/90

There were six murder trials in Bismarck on Monday.

But don't worry, there's no big increase in Bismarck's crime rate. The six murder trials were mock trials conducted by and for 316 North Dakota high school students who came to town for the annual Close Up program.

Close Up, a national program, teaches students about government by giving them firsthand experience.

"It was a real education," said Reed Chalmers, a senior from Rugby who said afterward that he's never sat in on any court action before.

Cheri Mack's eyes got big when she announced that she had learned "a lot!"

"You experience it firsthand," said the junior from Kensal. "You didn't just read about it."

The students, who played the roles of witnesses, jurors, court clerks, prosecutors and defense attorneys, weren't the only ones enjoying themselves.

"I think it's just great. The kids really worked and played their roles well," said South Central District Judge Dennis Schneider.

"These are obviously not the kids who are getting Ds and Fs," he quipped.

Schneider, four other local judges and one former judge played their judicial selves. Several other Bismarck lawyers advised the young "prosecutors" and "defense attorneys."

All worked from a brief script that outlined the bare facts of the case: Two men had a fight in a bar storeroom in the fictitious Burleigh County town of "Manmarck" and one died of gunshot wounds. All of the questions for witnesses had to be made up during the "trials."

Judge Benny Graff presides over a mock trial

While the role-playing during the trials was sincerely acted out, there was plenty of laughter coming from four courtrooms in the Burleigh County Courthouse and two in the Federal Building.

Sometimes it was a student making a faux pas because he or she was nervous. But then there was the time that "Betty York," the wife of the "suspect," came to the front of the courtroom to be sworn in and testify.

"That's Betty York?" cried an incredulous Judge Patrick Conmy. The student playing Betty York was a boy.

'I think it's just great. The kids really worked and played their roles well.' — South Central District Judge Dennis Schneider

In another courtroom, a girl played the role of a 50-something male witness.

That's easier to understand once you learned that roles were assigned strictly by pulling cards.

And there were other times wher you could tell that, well, kids will be kids.

As Conmy ruled in favor of the prosecution on an objection, a boy at the prosecution table raised his fist in triumph and pumped it a little, like he was at a basketball game.

The verdicts weren't all the same. Two of the "juries" brought in convictions on a "lesser-included" charge of negligent homicide, while one case was declared a mistrial when the jury became hung.

The North Dakota Close Up program is sponsored by the Department of Public Instruction.

TESTIFYING BEFORE COMMITTEES OF THE NORTH DAKOTA LEGISLATIVE ASSEMBLY

YOU HAVE THE RIGHT . . .

You have the right, as do all citizens to testify before the committees of North Dakota's Legislative Assembly as they consider any bill or resolution.

North Dakota has one of the most "open" legislatures in the nation. Every bill must have a public hearing before a legislative committee, and must be publicly voted upon by the committee, and must come before the full House or Senate for still another public vote.

Your opportunity to testify on a bill comes at the committee hearing.

Legislative committees generally meet in the rooms located on the Ground Floor of the Capitol's West wing. You can enter a committee meeting at any time, even if the door is closed or a hearing is in process.

Lists of legislative committees, committee members, and committee schedules are available at the legislative information desk in the hallway between the House and Senate chambers. Most of the state's daily newspapers carry listings of all bills introduced and a schedule of committee hearings. Television monitors in the legislative wing of the Capitol also provide hearing schedules.

Copies of bills and journals are available in the Joint Bill and Journal Room on the Ground Floor of the Capitol. You also have access there to the printed bill status report. The legislative information desk offers public terminals for searching bill status on-line. Whether on paper or on-line, the bill status report tracks all action on every bill and resolution.

HEARING BEFORE NORTH DAKOTA'S LEGISLATIVE COMMITTEES ARE GENERALLY INFORMAL AND A FEW RULES NEED TO BE OBSERVED!

BEFORE THE HEARING YOU SHOULD . . .

Find out when and where your bill will be heard. Be on time for the hearing. Usually, once a hearing is closed on a particular bill, no further testimony is taken.

Plan your testimony. It is not necessary, but it is helpful to have written--if possible, typed copies of your comments available. Be prepared to give a copy of your testimony to the committee clerk.

If other persons will be testifying on your bill, try to coordinate presentations prior to the hearing to avoid duplication.

If you are representing anyone but yourself, contact the Secretary of State's office to register as a lobbyist.

AT THE HEARING YOU SHOULD . . .

Be in the committee room at the start of the hearing. All persons present usually get a chance to speak, but sometimes because of large turnouts that is not possible. Even if you do not testify, your presence may be acknowledged and you may be asked whether you support or oppose a bill. And, you can always submit your written testimony to the committee clerk.

Sign the witness sheet provided. Clearly print your name, whom you represent, the bill number and your position for or against.

Wait your turn. The chairperson announces the beginning of the hearing on each bill. The committee clerk reads the bill. The first speaker is usually the bill sponsor. Then, the chairperson asks for testimony from proponents and opponents.

Follow the custom of addressing the chairperson and committee members by giving your name, address, whom you represent, and why you are appearing. For example: "Mr. Chairman (or Madame Chairwoman), members of the committee, my name is John Q. Public from Minto. Representing myself, I'm in favor of this bill because, etc."

Be brief. Do not repeat what others have said. Hearings are informal, so be conversational. Avoid being too technical.

Do not be nervous or worried about doing something wrong. There are no "rights and wrongs" about testifying. Legislators are just your friends and neighbors who want to hear what you have to say. Expect some questions and comments from committee members. These questions are not designed to embarrass you but merely to provide additional information. Avoid any clapping, cheering, booing, or other demonstrations.

AFTER THE HEARING . . .

Some committees vote right after a hearing; others wait until the end of the hearings scheduled that day; some postpone voting until another meeting.

Remember all committee action, including votes is public. Even though the public comment portion is over, you can stay to listen to the committee debate and take its vote. If that's not possible, contact the committee clerk or the legislative information desk to find out how the committee voted.

REMEMBER, YOU HAVE A RIGHT TO TESTIFY ON ANY BILL BEFORE A LEGISLATIVE COMMITTEE. NORTH DAKOTA LEGISLATORS WANT TO HEAR WHAT YOU HAVE TO SAY.

(Contact the Legislative Council office for copies of the brochure: How to Testify at the North Dakota Legislature)

Submitted by the Legislative Council

DRAFTING OF BILLS AND RESOLUTIONS

The original of each bill or resolution must be filed with the Secretary of the Senate (Clerk of the House) and must be prepared in the form prescribed by the Legislative Council. The bill or resolution must be submitted to the Legislative Council for approval of form and style before it can be introduced to the Legislative Assembly.

The following checklist reviews form and style requirements:

1. Do the words Fifty-second Legislative Assembly of North Dakota appear in the upper left-hand corner of the first page, and the words Fifty-second Legislative Assembly appear in the upper left-hand corner of each subsequent page?

2. Do the words SENATE BILL NO. or HOUSE BILL NO. appear at the top of the first page of the bill? An agency filing a bill for introduction as an agency bill under Joint Rule 208 may express a preference for the house of introduction but the presiding officer will make the final decision concerning house of introduction.

3. Does the first page contain the words Introduced by followed with the name of the sponsor (or sponsors) below it? If an agency is filing the bill or resolution, is the correct title of the agency used?

4. Does the bill or resolution have a proper title? Are "create" sections referred to first, "amend" sections second, "repeal" sections third, and "special clauses" last? Does each group have a "relating to" clause?

5. Does the bill have the proper "enacting clause" or the resolution have the proper "resolving clause?"

6. Have the sections of the North Dakota Century Code been listed properly in the title, and have they been arranged in numerical order by Century Code section number in the body of the bill?

7. If the bill creates a new numbered section or subsection of the North Dakota Century Code, has the approval of the code revisor of the Legislative Council been obtained?

8. If the bill contains amendments to the North Dakota Century Code, has all new material been properly underscored, has all material to be deleted been overstruck by dashes, and has it been typed from and proofread against the Code?

9. Does all overstruck material being replaced with new material occur before the underscored material?

10. Have all words been written out? Do not use abbreviations.

11. Have all references to "and/or" been removed?

12. Do all created sections contain a caption?

13. Do the amending and repeal clauses specify the source, i.e., 1989 Supplement, if necessary?

The "North Dakota Legislative Drafting Manual" contains specific instructions for the drafting of bills and resolutions, including sections on the following:

- Amendments to bills and resolutions
- Enrolling and engrossing process
  - Engrossing--process of incorporating all amendments approved by a legislative chamber into a bill or resolution.
  - Enrolling--the Legislative Council staff checks the final bill or resolution to make sure that it contains all proposed amendments. This is done after the final legislative action, prior to presentation to the Governor for approval or veto.
- Style and grammar guidelines

The manual also contains examples of bill drafts and resolutions.

Example - A Bill Creating a New Numbered Chapter of the North Dakota Century Code

Fifty-second
Legislative Assembly of North Dakota — HOUSE BILL NO.

Introduced by

Representatives Berra, Maglie, Mantle, Markel, Unrath

A BILL for an Act to create and enact chapter 38-16 of the North Dakota Century Code, relating to annual reports to the state soil conservation committee on surface mining operations for minerals other than coal, annual reports to local soil conservation districts, and exemption of certain surface mining operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 38-16 of the North Dakota Century Code is created and enacted as follows:

38-16-01. Surface mining operation - Report required. Except as provided for in section 38-16-06, a person may not conduct a surface mining operation without complying with the reporting requirements of this Act.

38-16-02. Annual report to committee - When filed - Contents. Any person conducting a surface mining operation shall file with the state soil conservation committee a report on each surface mining operation conducted during the calendar year. The report must be filed on or before December thirty-first . . . .

Example - A House Concurrent Resolution for Creation of a New Section of the Constitution

Fifty-second
Legislative Assembly of North Dakota — HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representatives Pipgras, Wanninger

(Approved by the Committee on Delayed Bills)

A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the time of taking effect of laws changing compensation of members of the Legislative Assembly.

STATEMENT OF INTENT

This amendment would delay the effectiveness of legislative compensation changes until the next regular session of the Legislative Assembly.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed new section to article IV of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1992, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. A new section to article IV of the Constitution of North Dakota is created and enacted as follows:

No law varying the compensation for members of the legislative assembly may take effect until an election of members of the house of representatives has intervened.

BEST COPY AVAILABLE

AMENDING A BILL OR RESOLUTION

Use of Overstrike and Underscore

In amending the Century Code or Session Laws, extreme care should be taken that each amended section conforms exactly to the existing law, including punctuation. Any material contained in a section of the Century Code or Session Laws which is to be deleted by an amendment to that section must be shown in the typewritten bill, and must be indicated by being overstruck by dashes. All new material inserted in an existing section must be underscored. New material (indicated by underscores) replacing old material (indicated by overstrikes) should follow the old material being replaced. Whenever possible, existing language should be retained. Punctuation within a Century Code or Session Laws section may not be changed unless handled as an amendment. If a word is to be changed from singular to plural or vice versa, all of the old word must be overstruck and all of the new word must be underscored. If amendments to the existing law are included in a bill creating new law, all new material must be underscored except for certain special clauses. When a bill contains only new law, the new material should not be underscored.

Example - A Section of a Bill Deleting a Subsection of a Section of the North Dakota Century Code

Fifty-second
Legislative Assembly

SECTION 4. **AMENDMENT.** Section 40-02-01 of the North Dakota Century Code is amended and reenacted as follows:

40-02-01. Requisites of incorporation as city ~~or village~~. Any contiguous territory in this state, not exceeding four square miles [1035.99 hectares] in area, not already included within the corporate limits of any incorporated ~~municipality~~ city, may become incorporated as a ~~village or~~ city whether ~~such~~ the territory is located in one or more counties, under the following conditions:

~~1. If such territory shall have residing therein a population of not less than one hundred inhabitants, it may become incorporated as a village.~~

~~2.~~ If ~~such~~ the territory ~~shall have~~ has residing therein a population of not less than ~~two~~ fifty nor more than five hundred inhabitants, it may become incorporated ~~as a village or~~ as a city under the council or modern council form of government.

~~3.~~ 2. If ~~such~~ the territory ~~shall have~~ has residing therein a population of not less than five hundred inhabitants, it may become incorporated ~~as a village or~~ as a city under the council or modern council form of government, or as a city under the commission form of government.

Information and examples taken from the 1991 "North Dakota Legislative Drafting Manual" prepared by Legislative Council.

Example - Amendments to a Bill as Introduced

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1250

Page 1, line 27, remove the overstrike over "~~three~~" and "~~fifty~~" and remove "four"

Page 2, line 1, remove "seventy-five"

Page 2, line 4, remove the overstrike over "~~five~~" and remove "six" and "and fifty cents"

Page 2, line 6, remove the overstrike over "~~eight~~" and "~~and fifty~~" and remove "ten"

Page 2, line 7, remove the overstrike over "~~cents~~"

Page 2, line 10, replace "from July 1, 1989," with a period

Page 2, remove lines 11 and 12

Page 2, line 18, after "receipt" insert "or the certificate of a member of the legislative assembly"

Page 2, line 21, replace "thirty-three" with "thirty"

Page 3, line 3, overstrike "The travel"

Page 3, overstrike lines 4 through 8

Page 3, line 17, replace "thirty" with "twenty-five"

Page 3, line 20, overstrike "thirty" and insert immediately thereafter "thirty-five"

Page 4, line 8, after "aircraft" insert ", except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use"

Page 4, line 33, replace "thirty" with "twenty-five"

Renumber accordingly

ISSUES

With the assistance of the North Dakota Close Up Advisory Board, the Department of Public Instruction staff received recommendations on topics of current interest from the 1989 interim committee studies. These recommendations were then reviewed with Legislative Council personnel. As a result, a thematic approach focusing on the environment was selected. The following list includes the five environmental issues that, in all probability, will be introduced during the 1991 session:

1. Using Natural Resources for Economic Development
2. Solid Waste Management
3. Disposal of Pesticide Containers
3. Red River Diking
5. The Environment - A Global View

Knowledgeable individuals who have publicly expressed their opinions and given testimony to interim committees graciously agreed to provide Close Up with commentary reflecting their views on the issues.

Simulations, workshops and debates will focus on these five issues. Teachers are encouraged to cover all issues presented in this guide and it is requested that students be knowledgeable and well prepared to interact and discuss these in depth.

Additionally, there are a multitude of environmental issues students may wish to explore with local, state or national implications. A suggested classroom activity would be for students to select an issue of their choice, research it, examine the pros and cons of the debate, and identify the key questions to be resolved.

In choosing and preparing an issue, the following questions should be considered:

1. Is it interesting? Will the students be enthusiastic about the project?
2. Is it appropriate to the community? To parents?
3. Will it provide realistic expectations? (It should not attempt to identify simplistic solutions to complex problems.)
4. Are there adequate resources available?

It is imperative that a complete view of each issue be provided and opposing views stated and examined. Legislators recognize and value the importance of differing viewpoints.

In order to prepare for the North Dakota Close Up experience, it is recommended that teachers encourage exploratory work on the part of the students. Newspapers, magazines, radio, television and the public library are excellent sources of information. Bringing speakers into the classroom or scheduling visits with individuals, groups or organizations that have expressed an advocacy or opposing viewpoint is extremely beneficial.

The front of this guide provides a listing of resource materials. The Department of Public Instruction has retained a file of the data compiled in preparing this document. Copies are available upon request.

USING NATURAL RESOURCES FOR ECONOMIC DEVELOPMENT

Key Questions

1. Can we resolve the conflicts between conservationism and public enjoyment of North Dakota's great outdoors?

2. Can we reverse the negative mindset of our population to stimulate our economy through the development of our natural resources for economic development?

3. Are North Dakotan's willing to invest in the future of our state by allocating funds for expansion of tourism as an important component of our economy?

Introduction

The North Dakota 2000 Committee, twenty-nine individuals with a high level of influence in the state, was formed based on concerns about the state's economy and the absence of any long-term strategic plan to address those concerns. The Committee contracted with SRI International to help formulate a common vision and a strategic plan for new wealth creation in North Dakota. SRI prepared its first in a series of papers intended to serve as a basis for discussion of North Dakota's economy: North Dakota's Economic Challenge, April 1988. The report provided four major conclusions:

1. North Dakota's economy is stagnant.

2. The state's economy will not improve on its own without major changes.

3. The downtrend in the state's economy did not evolve from cyclical changes, but rather the downturn has resulted from structural changes globally, nationally, and within the state's economy.

4. North Dakotan's have a negative mindset about the state's economic potential and a poor self-image for competing in the global community.

In March of 1989, Senate Concurrent Resolution No. 4056 was filed directing the Legislative Council to study the state's bountiful natural resources and outdoor recreation activities. The state's wildlife resources and enhancement of these resources for the benefit of North Dakota citizens and economic development were emphasized in the study.

Background Information

Senate Concurrent Resolution No. 4056 recognizes that significant amounts of revenue are generated in North Dakota directly as a result of existing natural resources. The economic well-being of the state depends upon attracting nonresidents to the state, promoting tourism, keeping the state's natural resources in a condition that induces residents to remain in the state, and enhancing economic development within the state. This recognition by the 1989 Legislative Assembly is supported by various estimates that have been developed concerning the economic impact of travel and tourism, hunting and fishing activities, state parks, and other natural resources in the state.

The resolution specifically directs that the Legislative Council seek the assistance and advice of the Attorney General, the State Game and Fish Commissioner, the director of the Economic Development Commission, federal land management agencies, and the director of the Tourism Promotion Division, in conducting the study.

The committee acted upon a suggestion made by the director of the North Dakota Tourism Promotion Division to consider a joint planning effort of the Legislative Council and the North Dakota Tourism Promotion Division to coordinate the development of an integrated tourism industry in North Dakota.

In September of 1989, International Tourism and Resort Advisors (INTRA) were approved by the Job Development Commission to serve as Consultant to the Tourism Promotion Division of the Economic Development Commission. The purpose of the INTRA was to develop a master plan for the development of tourism and natural resources in the state and to provide related research.

Priorities identified by INTRA include:

North Dakota should seek to expand tourism as a component of its economy, while it must serve the same market and offer the same features to visitors of the neighboring Old West Trail states. INTRA's analysis suggests that if North Dakota is to remain competitive as a tourism destination, it must establish some priorities for allocating funds for improvement and management of facilities so as to stand out among its competitors. Such priorities will enable North Dakota's visitor industry to:

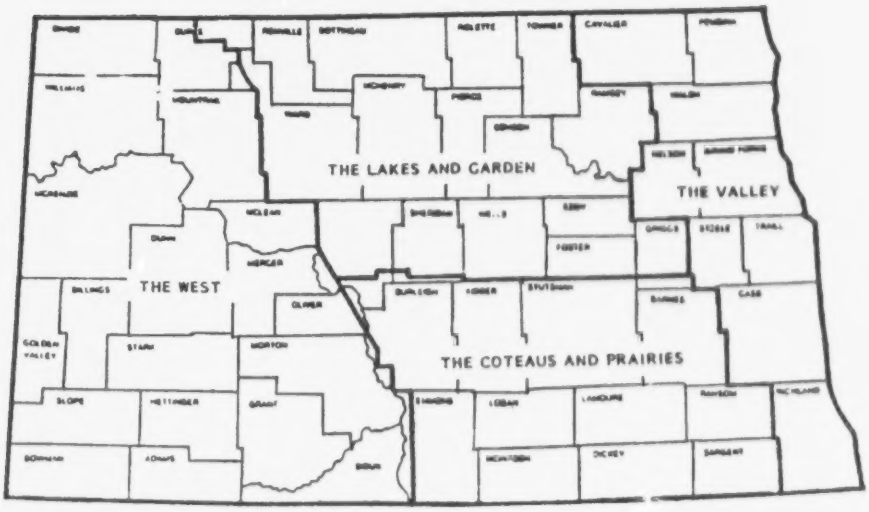
- Offer memorable experiences
- Concentrate on quality, as opposed to quantity
- Be recognized as a "better place" than others
- Be appreciated for its exceptional service and hospitality
- Offer guided, rather than self-guided vacations
- Create more opportunities for private business ventures

Opportunities

An important goal for North Dakota is to improve the state's appeal to visitors without creating detrimental impacts upon natural resources and the unique quality of life enjoyed by our residents.

INTRA has evaluated attractions, facilities, and services in the four tourist regions of North Dakota from the view-point of current visitors: who they are, what they seek, and what they may not find today in North Dakota. The four regions are: The West, the Lakes and Garden, the Coteaus and Prairies, and the Valley. The four regions are illustrated on the following map.

The Four State Planning Regions



Each of the four regions is blessed with some prominent natural features. The West shares the Missouri River and the associated lakes with the Coteaus and Prairies and the Lakes and Gardens regions. The West also offers the scenic Bad Lands, the Little Missouri River, and the Energy Belt. The Lakes and Gardens region is enriched by the Turtle Mountains, Lake Metigoshe, and Devils Lake. The Coteaus and Prairies region benefits from the Central Flyway and the Sheyenne River Valley. The Valley features Pembina Gorge in the north, and the famous Red River along its eastern boundary.

North Dakota offers a variety of physical attributes and facilities. However, few of them are unique and most can be found in neighboring states. North Dakota must strive to highlight its unique features in the competition for the "tourist dollar," reported INTRA. Specific recommendations made by INTRA include:

1. Recognize the lack of destination resorts and plan for touring vacations in North Dakota.

2. Adopt and designate Bismarck/Mandan, Devils Lake, Dickinson, Fargo, Grand Forks, Jamestown, Minot, and Williston as visitor service hubs and as departure/destination points for touring vacations.

3. Regard the four major airports as the places where many visitors form their first impressions of North Dakota. Arrange for displays and exhibits there that greet air travelers with highlights of the state's historic and cultural identity.

4. Secure continuous scenic travel experiences between these cities, along all roads leading to major visitor attractions and groups of such attractions throughout North Dakota. Work toward a network of picturesque routes that allow for pleasurable travel "offering a glimpse of North Dakota life that travelers do not often see."

5. Designate specific tour routes through signage similar to Lewis and Clark Trail, CanAm Highway, etc. The proposed tour routes will be educational in nature and, in most cases, of historical and cultural significance. These routes should be characterized and highlighted on a special map and brochure.

Presently North Dakota operates 15 state park facilities on a total of over 200,000 acres. Although created to serve the recreational needs of state residents, these state parks also provide visitors with welcome rest stops and many recreational opportunities. A few state parks of historic or cultural significance are visitor destinations in their own right. Increase the number of boat ramps and public access to state parks and public land.

The expansion of camping and recreational vehicle (RV) sites, and the upgrading of facilities and amenities, would benefit residents and visitors alike. On the average, the number of camping sites in the state parks could be expanded by 25 percent. In fact, such expansion and upgrading are necessary to accommodate future tourism growth and to enhance the visitor experience.

The State Historical Society of North Dakota provides much needed leadership and counsel to volunteer groups which operate museums and other cultural exhibits. However, its modest staff and budget do not enable the Society to provide personal guidance at the local level. Therefore, it cannot assure that local exhibits are maintained and presented in a consistently effective and attractive manner. Without such assistance, the desired high quality of historical exhibits cannot be assured, and North Dakota cannot meet the expectations of visitors.

The effective display and interpretation of local history, arts, and crafts could enhance the State's identity as a travel destination, making travel in North Dakota more memorable for visitors and residents alike. It is important to strengthen local historical societies and to upgrade the quality of exhibits throughout the state.

Among the ideas suggested by various groups and the recommendations made by the consultants, the following ideas received special attention by the Jobs Development Commission:

- Raise large herds of bison on our national grasslands. Bison are a tremendous attraction and could be managed by one of the wildlife organizations.
- Bed and breakfast inns represent a great potential for new accommodations but current law is restrictive and hampers development.
- Unique farmsteads offer ideal settings as historic preservation sites and potential bed and breakfast inns.
- Establish an association to support and promote tourism through development of handbooks and a statewide reservation system.
- Encourage and promote tourism through exhibits and displays at airports.
- Coordinate a statewide calendar of annual festivities and cultural events to avoid conflicts and increase attendance.

- Expand historic preservation by creating a well-defined identity for local communities. Preserve and emphasize individual community's ethnic background and cultural heritage.

- Provide an award system to recognize outstanding accomplishment in historic preservation.

- Support and collaborate with Native Americans and historical associations to incorporate cultural programs and exhibits into parks and public places.

- Place tourism-related signs on major buildings and roads. Trail-markers are allowed under state law, but legislation may be required to change the law to allow the use of logo signs and tourist-oriented directional signs.

INTRA determined that North Dakota is a touring destination, rather than a resort destination. Several existing markets could be expanded, in particular: pass-through travelers, repeat travelers, shopping travelers, meeting travelers, water recreation and other recreational travelers.

In summary, North Dakota should create a greater awareness of vacation opportunities in the state and, also, build new facilities and conduct a targeted marketing program all of which require funding--either by redirecting existing resources or by committing additional funds to the program.

Obstacles

INTRA reports the major obstacles to further travel and tourism development in North Dakota to include the unpredictable water levels at major lakes and the lack of on-shore amenities. There are few fishing and hunting guides. Indian heritage is not made an active part of the visitor experience. There are too few accommodations. North Dakota is off-line for the major air carriers, and there is no intrastate air service. The State does not actively pursue the development of cultural resources which residents and visitors can share. The climate is unpredictable. There are few nearby concentrations of population and the resident population is small (685,000). Interstate 29 is a peripheral travel route. North Dakota's lifestyles are low-profile and culturally neutral. External demand drives the economy, and North Dakota is considered to have a no-growth economy.

The participants of the May 6, 1989 "Outdoor Recreation and Tourism Workshop" held in Medora reported the following obstacles:

- Counties are feeling the loss of local tax revenues relating to federal land acquisition for public facilities.

- North Dakota sportspeople prefer the North Dakota Game and Fish Department to stay out of tourism promotion and to spend dedicated dollars for enhancing fish and wildlife populations for their own use.

- Farmer and rancher land owners protect wetland basins for wildlife habitat and public use may be restricted if determined to be incompatible with the purpose for which the refuge was established.

- There is a concern that undeveloped yet potential tourist areas have standards established to provide a delicate environmental balance. Uniform zoning ordinances should be adopted statewide to protect our natural resources.

- Restrictions placed on business and on public property are a real hurdle to development.

These restrictions also keep financial institutions from being receptive to doing business with private developers. Money is a major roadblock and unless dollars are made available for the state for tourism promotion, it will take a long time for anything to happen. Low interest loans are a must for these types of businesses to be economically available and the state has to create the money.

Past history shows that when outdoor recreation issues or natural resource decisions are to be accepted or approved as public policy, an immediate polarization of divergent attitudes seems to occur. These issues may relate to clean air, wetlands, water quality, land acquisition, or recreational development. Conflicts arise between farmers, ranchers, ideologists, water development proponents and the various parks, natural resource and wildlife management professionals.

Tension between conservationism and public enjoyment is inevitable. The secret ingredient is education of planners, managers, and most importantly, users.

We need a concentrated effort to educate people of the state. We need to focus attention on the media and our school systems to inform people of the need to protect and to preserve our national heritage and of the need to develop tourism by utilizing the out-of-doors. A cooperative effort would accommodate our agricultural, energy, tourism, and private business interests which would help stimulate and drive our economy.

The most difficult obstacle to overcome may be the negative mindset of many North Dakotans. Based on INTRA's personal interviews with key leaders throughout the state, many North Dakotan's feel that nothing can be done to improve our economic outlook--we must wait for an economic turnaround.

References

Minutes of the Jobs Development Commission prepared by the North Dakota Legislative Council in June and September of 1989.

Participant remarks from the "Outdoor Recreation and Tourism Workshop" held in Medora, North Dakota on May 6, 1990. Excerpts from the following presenters are included:

--Doug Eiken, Director
North Dakota Parks and Recreation Department

--Michael Holm, Superintendent
Knife River Indian Villages

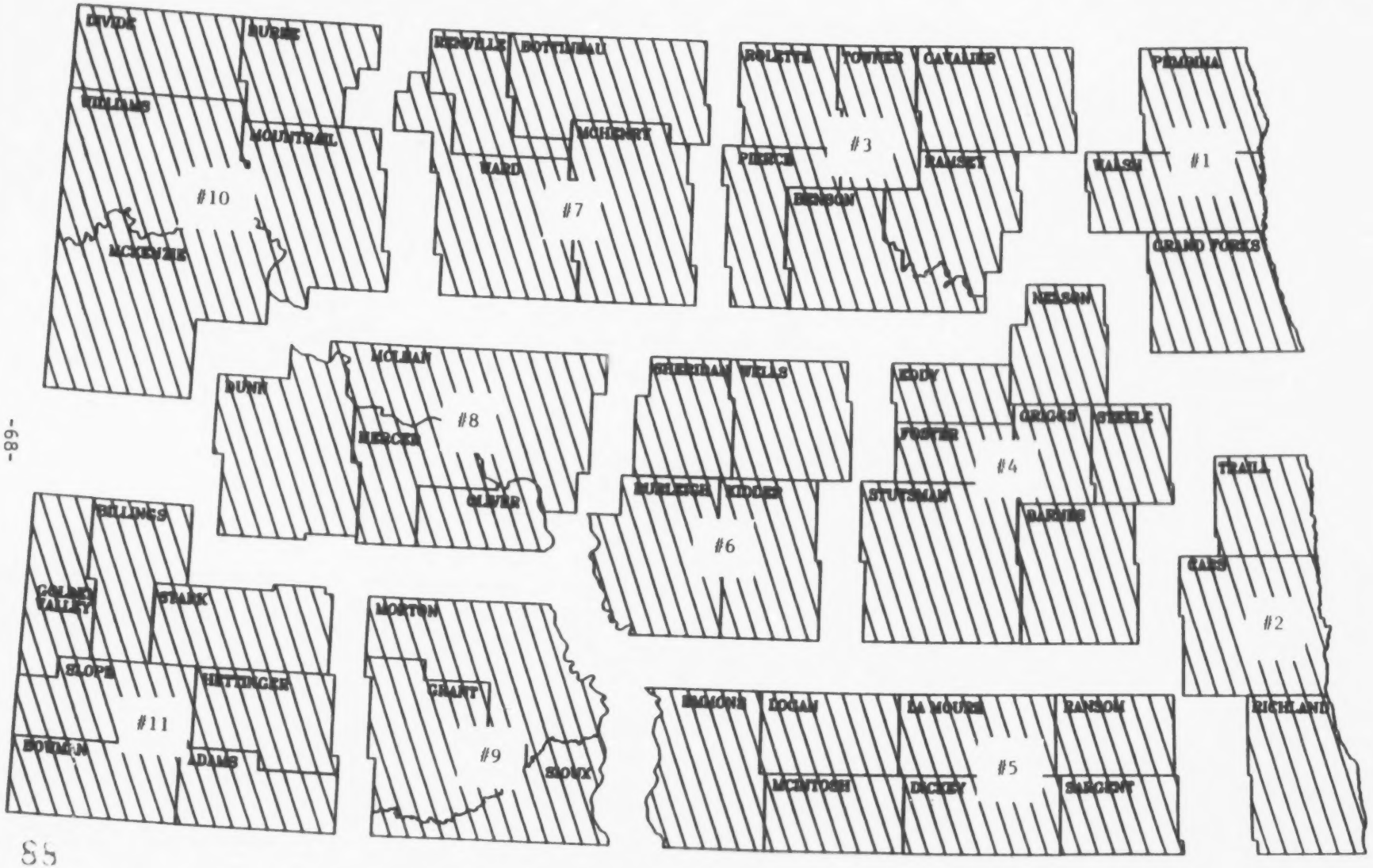
--Ted Upgren, Chief
Information and Education Division
North Dakota Game and Fish Department

--Chuck Stroup, Executive Vice President
Lake and Resort Development

--Mark and Rachel Slater, Owners
Slater's Resort

--North Dakota Tourism Master Plan. Findings of the International Tourism and Resort Advisors--consultant to the North Dakota Jobs Development Commission.

Historical documents furnished by the North Dakota Legislative Council.



Potential configuration of municipal waste management districts.

SOLID WASTE MANAGEMENT IN NORTH DAKOTA

Key Questions

1. Who should pay the cost for solid waste management?
2. Should economic considerations take precedence over environmental concerns?
3. Should the state legislate standards for municipal landfills?

Introduction

In 1988, Governor George A. Sinner established a North Dakota Waste Management Task Force and charged it with the task of identifying the waste management issues within the broad solid waste problem in the state. The Task Force completed its work and published a report entitled "Municipal Waste Management Issues in the State of North Dakota," in May 1989. The North Dakota State Department of Health and Consolidated Laboratories in cooperation with a reorganized Solid Waste Management Task Force proposed a plan for Solid Waste Management in December of 1989. This plan does not address nonhazardous industrial waste, inert waste, infectious waste, agricultural waste, or hazardous waste as these were not identified as serious issues because of their relatively small volume and current handling practices.

Background

The North Dakota State Department of Health and Consolidated Laboratories, in cooperation with the Solid Waste Management Task Force, submitted a proposed plan for Solid Waste Management to the Legislative Council in December of 1989.

The handling and disposal of municipal solid waste (garbage, refuse or trash) are issues of state, national and global environmental concern. Historically, responsibility for the handling and disposal of solid waste rests not with the federal government but with local government. Ultimate responsibility for waste disposal rests with the user/generator of the waste.

Solid waste management involves collection, separation, processing, storage, recycling, reuse, and other aspects of disposal. While recycling and waste processing can reduce the amount of waste, landfills will always be necessary--for nonrecyclable, nondegradable, and nonburnable waste--or for incinerator residue/ash. The toxic composition of the waste is the major health and environmental concern.

However, because of the increasing threat disposal of hazardous and nonhazardous waste is to our land, water, and air, the U.S. Environmental Protection Agency (EPA) is drafting stricter regulations for the operation of municipal landfills. The focus, according to the EPA, will be to "foster planning to reduce, recycle, and manage our nation's municipal solid waste" by developing standards to protect human health and the environment.

The North Dakota proposal for solid waste management presented to the Political Subdivision Committee calls for eleven municipal waste management regions. The regions--based on county lines--would each include from three to seven counties. Development is based on estimates of the amount of solid waste that

would be generated and the distance to be transported. No one would have to drive more than 120 miles. Sanitary landfills--originally intended to cover garbage to reduce vermin and potential disease, would be replaced by municipal or regional landfills with emphasis on preventing ground water contamination and other pollution.

Several bill drafts relating to solid waste management were recommended to the Legislative Council by the Political Subdivision Committee during the 1989-91 interim. Major bill drafts anticipated to be introduced during the 1991-93 Legislative Assembly include:

1. Implementation of a public education program to encourage reduction of solid waste so that people realize the importance of waste reduction.

2. Establishment of Solid Waste Management Authorities.

3. Establishment of a Waste Management Fund.

4. Certification of Municipal Landfill Operations and Large Volume Waste Management Facilities.

Supporting Arguments

North Dakota cities and counties are asking the state for guidance in the establishment of waste management criteria that will be in line with new federal regulations. They also are looking for the state to assist with planning grants, low interest loans, promotion of voluntary recycling and reprocessing, and education of their communities.

Containment of pollutants is costly. As the cost of waste management increases, the establishment of regional landfills to handle larger quantities of waste will provide an economical way to support and sustain the facility at an acceptable cost per ton.

Dramatic changes in national regulations of waste management are expected within the next five years. Facilities need to be upgraded, some need to be closed. Inefficient and improper methods of managing solid waste create serious health hazards and cause pollution of land, air, and water. There is illegal dumping going on now without restriction and burying of pesticide containers and burning of refuse that pollutes and poisons the air. There are dumps operating in the state that do not meet known site requirements. Site selection includes determining the suitability of the soil, drainage, affect of climate, and other geological considerations. Proper site selection limits and immobilizes potentially harmful trace elements and minimizes adverse environmental effects.

State regulated solid waste management would assist municipalities (or regions) in identifying harmful waste characteristics and in evaluating the physical, chemical, and biological aspects of waste to determine if it would leak into and contaminate groundwater.

A state solid waste management system based on a fee per ton, or the taxing of certain items (disposable diapers, tires, batteries, oil, etc.), would provide the state with a mechanism to fund remedial action plans for cleaning up and closing abandoned, contaminated sites.

Opposing Arguments

Political subdivisions are concerned with the cost of the solid waste management proposal. There are no federal dollars available to clean up or close substandard facilities and the state does not have the resources to build new ones. There is also a fear that the new federal regulations will hold landfill operators responsible for damage to the environment for up to fifty years after a facility is closed. The Department of Health and Consolidated Laboratories' proposal requiring cities and counties to submit a comprehensive solid waste management plan is opposed by cities, counties, and townships--they can not afford it. They do not want the state to establish boundaries for regional solid waste management districts until they have attempted--and failed--to establish their own districts.

There is disagreement over the establishment of a solid waste management fund. How should monies be allocated? Larger cities feel that a fee based on tonage would be inequitable and that they would have to pay more, yet benefit less. Some cities/counties would prefer that a sales tax be imposed on garbage because it would be administered more easily than imposing a tax on items such as diapers, motor oil, tires, lead batteries and other items that can not be burned or may not be biodegradable.

Political subdivisions want 75 percent of the proposed solid waste management fund to go towards low interest loans to build facilities and for planning grants to provide guidance in the establishment of solid waste management districts. There are also questions as to who would be eligible to receive funds--would monies be available only to North Dakota firms, or would out-of-state operators be eligible to receive funds as well?

The recycling industry is afraid that solid waste management legislation will thwart economic development in the private sector. Private sector recyclists are wary about government intervention and feel that the existing industry should be given the first opportunity to process recyclables before state or municipal operations. Recyclists caution that collection is not recycling--processing and remarketing the product is! Some products do not have a market because there is a surplus. Manufacturing is not keeping up with product availability or the public's enthusiasm for recycling.

Recylers would prefer that the state subsidize them for materials on which they can not earn a profit instead of government paying to have the materials placed in a landfill.

Balancing the conflicts between the cost of cleaning up the environment or accepting the risks to our health and to the ecological system, is difficult and challenging and there is much at stake.

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DISPOSAL OF PESTICIDE CONTAINERS

Key Questions

1. Should North Dakota wait to evaluate other state's findings and work towards coordination and adoption of uniform standards?

2. Should farmers be held liable for groundwater contamination if they apply agrichemicals without negligence and in conformance with state law?

3. How should the state fund a program to collect, transport, and dispose of pesticide containers?

Introduction

Groundwater is a tremendously important and undervalued resource in North Dakota. It is the sole water source for 99 percent of the state's rural residents and accounts for over 48 percent of public water supply systems. Groundwater provides 60 percent of North Dakotans with their domestic water-use, and irrigation consumes 50 percent of the groundwater used in North Dakota. This vital resource once thought to be free from contamination, now faces numerous threats, including but not limited to agriculture. Only careful planning and implementation of groundwater protection programs can adequately address threats to groundwater quality.

In order to recognize these threats and take the necessary precautions to protect the resource, it is necessary to have a basic understanding of what groundwater really is and where we find it. Groundwater does not flow in underground rivers. It is stored in aquifers, which are zones or layers of permeable water-saturated rock, sand, or gravel, which allow travel of water to the surface, either by drilling and pumping wells or through seeping to surface outlets.

In comparison to surface water, groundwater moves very slowly, measured in inches per year to a few feet per day. It moves through interconnected spaces between sands and gravels, along fractures, or through dissolved channels in some rocks, limestone for example. The rate of movement is dependent on many factors including permeabilitiy and porosity of the aquifer. Due to the slow movement, contaminants in groundwater do not mix or spread quickly, and may exist as a plume for several years. Decontaminating groundwater requires expensive equipment, sophisticated and lengthy procedures, and may be impossible in many cases.

Background

There are many sources of groundwater contamination. Most are associated with waste disposal involving defective or abandoned septic tanks, cesspools, and wells. Groundwater can also be polluted by leaching or leaking wastes or products from industrial, mining, and oil-and-gas-drilling sites. Dumpsites are also a source of groundwater contamination. Groundwater pollution from these sources can often be traced to the point of origin, and is called point pollution. In North Dakota, most reported groundwater pollution is associated with oil spills or leaks. The largest pollution event is a diesel fuel leak in Mandan, North Dakota where around 1 million gallons was found floating on top of shallow groundwater.

Concern for contamination by pesticides is a relatively recent development and is the result of a discovery made in California's drinking water about 10 years ago. Since then, more than 40 different pesticides have been found in the groundwater of 23 states. Many farmers and environmentalists agree that ground water pollution is probably the major environmental problem facing agriculture for many years to come. Pesticides are substances or mixtures of substances used to kill, destroy, repel, or regulate pests such as insects, rodents, birds, weeds, unwanted plant growth, molds, fungi, and bacteria. They are chemicals that have biologic activity against the pest to be controlled, and they can be toxic to man, animals, or the environment if sufficient dose and exposure occur when improperly used or disposed of. Both federal and state laws make users of pesticides responsible for properly applying their pesticides according to label directions and for properly disposing of excess pesticides and their containers.

In order to determine whether or not and how applications of farm chemicals may pollute groundwater, the water's vulnerability to pollution must be determined. Local factors including climate, depth to water, physical and chemical characteristics of soils and aquifers, biological activity in the dry zone above the water table, net recharge, and the lay of the land determine how vulnerable groundwater is to contamination. Pollution potential also depends upon the relative mobility and ease of decomposition of fertilizers and pesticides.

There are several ways farm chemicals can enter groundwater, directly or indirectly. Directly, chemicals may flow with surface water into cracks, burrows, root channels, or defectively cased wells. Indirect contamination occurs when pesticides and fertilizers percolate through the soil rapidly enough so the chemicals are not sufficiently exposed to the agents which break them down into harmless products.

In most states, including North Dakota, people who apply chemicals must attend safety training programs. In North Dakota, the training program is offered through the Cooperative Extension Service, which emphasizes safety and proper handling. Groundwater pollution potential of chemicals is addressed in the context of an applicator's liability in the case of misuse of chemicals. The training philosophy assumes that when properly applied according to manufacturers' label instructions, no danger of groundwater contamination exists.

Several groundwater protection proposals are pending in Congress. Some of these proposals go further than others in reforming current laws and creating new legislation to address the threats to health and groundwater from toxic chemicals. In order to coordinate groundwater legislative activity among the 13 federal agencies and 11 House Committees, a Congressional Ground-Water Task Force may be established soon.

North Dakota law lacks significant provisions which could prevent groundwater contamination by fertilizers. Unlike some other states, there are no requirements for soil testing, or for exercising special care in pollution-sensitive groundwater recharge areas. In fact, there are no existing or proposed statewide programs which would identify those vulnerable areas, and then inform farmers about them.

North Dakota is currently evaluating statutes, rules and programs in order to develop a long-term plan for protecting the state's groundwater from a variety of threats. Senate Concurrent Resolution No. 4036 called for a study on the disposal of excess chemicals and pesticide containers during the 1989-91 legislative interim. The Agriculture Committee requested that the pesticide container study be coordinated with the work of the North Dakota Waste Management Task Force. In February of 1990, the Agriculture Committee asked the Legislative Council staff to prepare a bill draft establishing a pesticide container collection program.

Supporting Arguments for Legislation Regulating the Disposal of Pesticide Containers

There is a probable link between pesticides in groundwater and cancer and/or general poor health. Some cancers have been consistently associated with herbicide usage. A few of the pesticides most commonly used in the Midwest are known carcinogens and rural families do suffer significantly higher mortality rate from cancers than other citizens.

Pesticides and pesticide containers are two of the leading potential water pollution problems in North Dakota. The Environmental Protection Agency-banned pesticides are being stored on private property and many dumpsites are unreported because of fear of legal action, ignorance or negligence. Many municipal landfills will not accept pesticide containers even when properly triple-rinsed and handled according to state and federal law. Also, many containers are being used for other purposes, which is strictly forbidden by law.

The state could ban, tax, or otherwise regulate plastic, metal, glass, and paper pesticide containers to minimize pollution problems. For example, pesticide containers should be reusable and not made from fragile or combustible materials. Improperly cleaned or uncleaned plastic pesticide containers, when open-burned, release toxins into the atmosphere.

In 1987, Iowa passed a program with widespread farmer support, which included a pesticide registration fee for chemical manufacturers, a 75 cent tax on each ton of nitrogen fertilizer, and a .1 percent pesticide sales tax. These funds, expected to reach 17.5 million dollars in five years, will be used to help finance research in low-chemical-input agricultural practices. Through reduction of fertilizer and pesticide use, the chemical and environmental costs of agriculture may also be reduced. In addition, The Center for the Health Effects of Environmental Contamination will be established at the University of Iowa, and the Iowa Department of Health is required to maintain a registry of health problems associated with toxic chemicals. Counties will also receive funding for testing and closing abandoned water wells, and demonstration projects for implementing groundwater protection practices will be funded.

The EPA is currently developing regulations for pesticide disposal for implementation by 1993. The EPA plans to adopt minimum standards for containers and will require states to be responsible for disposal--including the safe collection, return and disposal of containers.

It is anticipated that new federal regulations will require that pesticide containers be made of recyclable material.

North Dakota has proposed legislation to fund a program to educate and develop pesticide collection programs in the state to handle agricultural pesticide disposal. At present, concerns over household and other nonagricultural pesticides and disinfectants have been eliminated from the legislation. Several funding mechanisms to support the cost of the program have been debated. Cost proposals include increasing pesticide registration fees to the manufacturer; imposing a sales tax on the product; imposing stiff fines and penalties on abusers, and charging a per-container fee directly to the end-user (the farmer).

Opposing Arguments

While the goal of state government must be to protect groundwater to its highest and most beneficial use by protecting to the fullest extent the entry of harmful amounts of agrichemicals into groundwater, state government must also be mindful of the need to continue using pesticides and fertilizers in farming. They allow the United States to continually increase agricultural production without increasing agricultural resources. Agriculture is America's largest industry and certainly, North Dakota's leading industry.

Overuse or misuse of agricultural chemicals occurs when fertilizers and pesticides are excessively applied or applied where prohibited by law. Excess amounts are those greater than that required to produce a balance among best crop, least insect and weed damage, and least expense. Farmers try to avoid misuse or overuse of pesticides for several reasons. It is illegal, it wastes money, and it can damage crop-growth for more than the current cropping year. Manufacturers' label instructions for applying pesticides warn users against overuse and abuse.

Several other states have completed, or are in the process of completing pilot projects. The results of those projects should be evaluated before we embark upon additional projects. States should adopt uniform standards so that a greater burden is not placed on the agricultural community of one state as compared with another.

The most successful programs developed in other states have been organized with the cooperation and voluntary efforts of state, local and industry groups. The development of educational materials and a commitment and representation of all agricultural interests is necessary for a program to be successful.

Container collection/recycling markets need to be investigated. Collected plastic is a valuable resource and is in demand as raw material. The sale of collected plastic containers to a secondary market should support itself if farmers returned properly rinsed containers to a state designated site. A law requiring dealers to take back used containers imposes liability upon the dealer because they can't know if a returned container has been properly rinsed.

State inspectors should supervise a voluntary collection of mini-bulk containers to help eliminate the number of containers requiring disposal. Reusable or returnable containers should be exempt from a sales tax or registration fee.

Farmers who follow the manufacturers labels and who follow generally accepted agronomic practices should not be held liable for groundwater contamination resulting from the application of pesticides and fertilizers.

The proposed legislation does not address nonagricultural waste pesticides and there is serious question as to whether the container problem is as serious as waste from asbestos, brake fluids, and other industrial toxic chemicals.

The proposed registration fee, or sales tax, needed to support the legislation would be unfairly passed on to the farmer. Distributors would prefer a percent of sales be assessed the product rather than a separate per container fee--the recordkeeping would become too burdensome.

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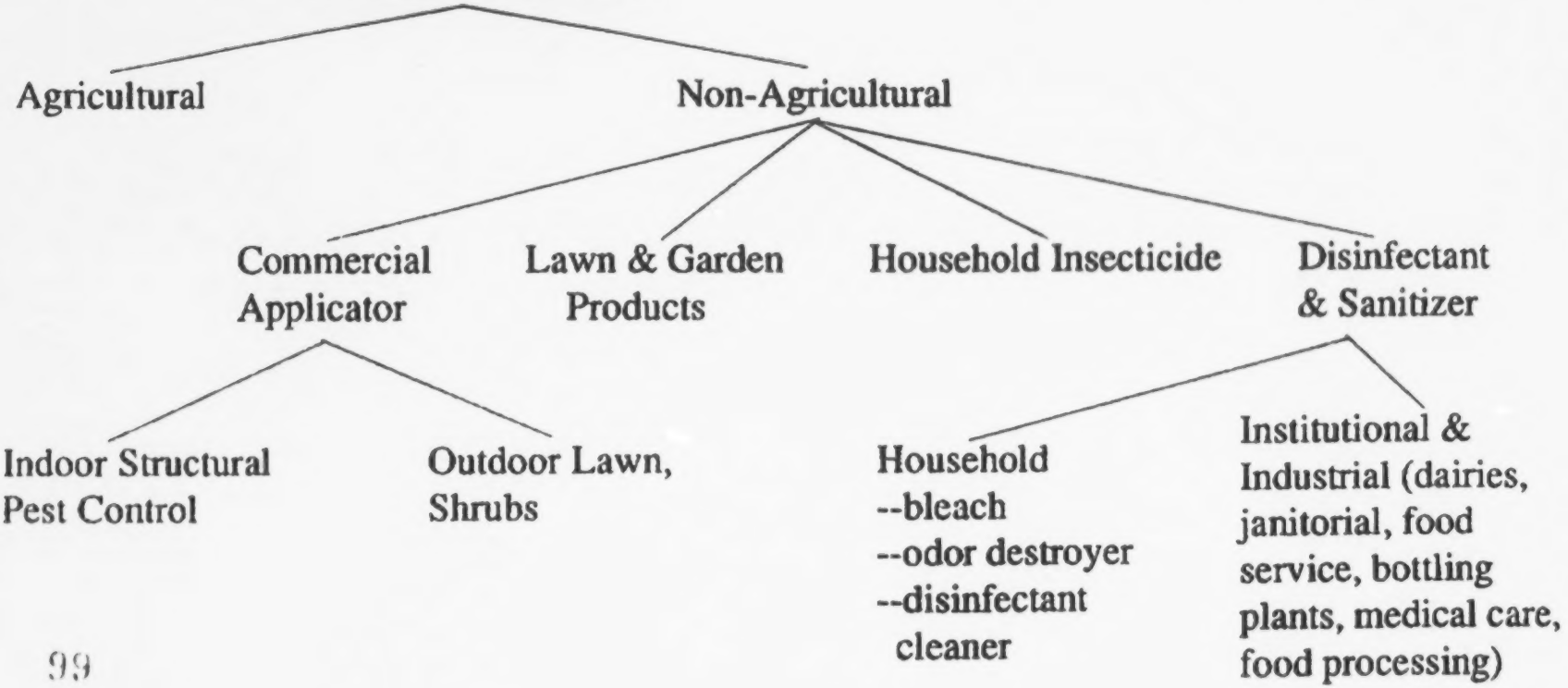
Pesticides



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RED RIVER DIKING

Key Questions

1. Can North Dakota and Minnesota equitably resolve the diking problem on the Red River?

2. What effect does controlling river flow have on the ecology of the natural waterway, agricultural productivity, and the environment?

3. Would the construction of ring dikes to selectively protect high-value property satisfactorily address flood control concerns?

Introduction

Because of the history of devastation to farms, highways, crops and communities, in May of 1989 a group of Red River Valley legislators requested that Legislative Council study the effects of diking on the Red River and the damage caused by the 1989 flood. Legislative Council responded to this request in June of 1989 when they assigned the study to the interim agricultural committee.

The committee took testimony at public hearings from various groups of landowners, local officials and Minnesota and North Dakota state authorities. Existing state laws were reviewed. The State Water Commission was asked to analyze the recommendations made during the public hearings.

NOTE: The Red River flows north into the Hudson Bay drainage in Canada.

Background

The Red River diking issue began in 1975, when 23 inches of rain fell southwest of Fargo and extensive flooding resulted. Dikes were constructed on the Minnesota side of the Red River. The same could not be done on the North Dakota side because of the smaller rivers (tributaries) that feed into the Red River. Dikes cannot be built across the mouth of the tributaries as this would block their flow into the Red and they would not have an outlet. Because the mouth of the tributaries must be left open, the Red backs up during flooding and causes the tributaries to overflow as well.

In 1978 Minnesota and North Dakota entered into an agreement that permitted the construction of dikes from the Boix de Sioux River in Richland County to the Canadian border. This agreement allowed a one foot rise in the dikes based on historical data of average floods that occur approximately every 10 years. However, after significant flooding in 1979, the two states agreed upon a six inch increase in the rise of the dikes to meet the historical diking level of 100 year floods.

Representatives of various entities continued to work toward a final agreement but when negotiation broke down in October 1981, North Dakota filed suit against Minnesota. Further negotiation took place and by 1984 the two states stipulated that the dikes on the Minnesota side of the river could be built to the level of the 1975 flood, while those on the North Dakota side would be one foot lower. Although North Dakota plaintiffs felt that this stipulation was unfair, they realized it was the best solution that could be reached at the time. Following the agreement, a technical committee was formed to determine the final dike elevation. When the technical committee could not come to an agreement, North Dakota returned to court for an order directing Minnesota to remove its dikes. Many Minnesota dikes were removed, but issues involving the interpretation of "natural ground," which affects a determination of dike height, lingered. Since Minnesota dikes could withstand a flood event of 43,000 cubic feet per record, the spring flooding of 1989, which was 40,000 cubic feet per record, pushed water into North Dakota. In the absence of dikes, 60 to 90 percent of the flood water would have run back into Minnesota.

Walsh County spent $340,000 because of flooding on road repairs in 1989 and spent 15 percent of its budget on 2 percent of its roads. Even with low amounts of precipitation, flooding is on the increase.

Proposed Flood Control Recommendations

- North Dakota should build a dike on the west side of the Red River extending from Grand Forks to the Canadian border.

- North Dakota should construct a floodway by relocating dikes from one to six miles back from the river. During times of flood, the river would expand across the floodway and be contained within the dikes.

- North Dakota should raise all roads within the Red River flood plain. (A flood plain is the area flooded when a river expands beyond its banks. The flood plain is established by the Corps of Engineers based on historical records over a specified period of years.)

- North Dakota should construct a series of ring dikes around high-value areas, such as farmsteads, to be protected. Many of these farms already have ring dikes encircling them.

- Other methods suggested include equalizing the elevation of North Dakota and Minnesota dikes along the Red River; removing dikes on both sides of the river; and building upstream water retention dams to hold water in watershed areas designed for a controlled release of all runoff.

- A consortium of local landowners, the North Dakota State Water Commission, the Minnesota Department of Natural Resources, and the Corps of Engineers should facilitate a Minnesota-North Dakota study regarding the Red River Basin. Efforts are underway to obtain $500,000 in fiscal year 1991 from the United States Senate Appropriations Subcommittee on Energy and Water Development to fund further study.

State Water Commission Analysis

- A dike from Grand Forks to the Canadian border is not feasible because flood water on the North Dakota side would back up and increase flooding of the many small tributaries feeding the Red River. The dike would also need to be very high on both sides of the River and would increase water flow into Canada. A total of 141 river miles of dikes would have to be built and the cost would be prohibitive.

- The expense of relocating the dikes to create a floodway would far outweigh the benefits. It would require the use of too much land and increase flooding within the new floodway. The creation of a floodway would also increase the flooding into Canada.

- The main reason for not raising the roads in the Red River flood plain is because raised roads would act as dikes and keep the floodwater trapped in fields. Also, the cost of raising the roads would be prohibitive--it would cost $6,000,000 to raise only 1/4 of the 400 miles of roads in the flood plain. This is just the cost of raising the road bed two feet. Not included in the cost are road surfacing, right of way easements, bridges, drainage structures, etc.

- The cost of ring diking a typical farmstead is approximately $25,000. It is estimated that there are more than 100 farmsteads within the flood plain in Grand Forks, Walsh, and Pembina Counties. The Water Commission agrees with this recommendation; however, this solution does not offer protection for all property affected.

- The Water Commission is also examining the feasibility of constructing dams on the Maple and Goose Rivers in North Dakota, as a supplement to ring dikes and other flood control measures.

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THE ENVIRONMENT--A GLOBAL VIEW

Key Questions

1. Should economic considerations take priority over environmental issues?

2. Should the United States act to reduce acid rain?

3. Should polluters pay the cost of environmental cleanup?

Introduction

At one point in our nation's history, pollution was viewed as a sign of progress. Thick black smoke rising from a factory smokestack symbolized jobs and prosperity for a community. People accepted foul-smelling air or a polluted river as the price they paid for economic growth.

In time, that view changed. No longer a symbol of success, pollution became a threat and a burden. In the 1970s, Congress passed a variety of laws to control pollution. This legislation helped revive once-dead rivers and lakes, improve overall air quality, and save some species of animals from extinction. But serious problems remain. Toxic chemicals leak into the soil and poison underground water supplies. Thousands of tons of nuclear waste await permanent storage. Many cities do not meet the government's standards for air quality. And harmful chemicals are destroying the earth's ozone layer, which protects humans from cancer-causing ultraviolet rays of the sun.

The government could pass more laws and regulations to clean up the nation's air and water, just as it did in the 1970s, but such regulations would mean that polluting companies would have to spend billions of dollars to make their factories meet the new standards. These costs would then be passed on to consumers, meaning they will ultimately pay for the cleaner environment. Many policymakers wonder how much taxpayers will be willing to spend to clean up the environment. Others question whether the benefits of a healthier environment are worth the price that Americans must pay for it.

Background

Dangers to the Environment

Air Pollution. The air we breathe contains many pollutants, including soot and ash from burning coal and lead from gasoline. Low levels of dust, soot, and ash can cause breathing problems, especially for sufferers of chronic bronchitis and asthma. Less visible, but more dangerous, are gases of sulfur dioxide, carbon monoxide, carbon dioxide, and hydrocarbons. Too much carbon monoxide--emitted by cars--causes dizziness and nausea, impairs judgment, and places stress on the heart. Carbon dioxide is not immediately dangerous, but it poses a long-term threat. During the last 100 years, the level of carbon dioxide in the atmosphere has risen sharply, causing a "greenhouse effect." Carbon dioxide traps the sun's heat, thereby raising the temperature of earth's atmosphere.

The greenhouse effect could lead to serious environmental problems. According to scientists at the National Aeronautics and Space Administration (NASA),

temperatures just a few degrees higher than normal would melt polar ice caps and flood coastal areas, turn productive farmland into desert, and alter weather patterns around the world. Some scientists predict that world temperatures could increase from 4 to 9 degrees Fahrenheit by the middle of the next century. An Environmental Protection Agency (EPA) report claims that the greenhouse effect is irreversible.

Other greenhouse gases called chlorofluorocarbons (CFCs) also destroy the earth's ozone layer. Ozone is a gas that is distributed in a thin layer in the earth's atmosphere. Ozone shields the earth from the dangerous ultraviolet rays of the sun. Increased exposure to ultraviolet radiation weakens the human body's immune system, causes skin cancer and eye damage, and destroys crops.

CFCs are a family of chemicals that are often used in cleaning solvents and aerosol spray cans and as coolants in refrigerators and air conditioners. CFCs can exist in the atmosphere for as long as 100 years. The United States has taken some steps to control these chemicals. In 1978, the U.S. government outlawed CFC-propelled spray cans. Ten years later, it signed a United Nations agreement to reduce the use and production of CFCs in the United States.

Controlling Air Pollution. The nation's principal air pollution control law, the Clean Air Act, was passed in 1970. The act set deadlines for a 90 percent reduction of certain pollutants from new automobiles and also established pollution controls for factories, oil refineries, smelters, iron foundries, and power plants. In addition, the EPA, created by President Nixon in 1970, was charged with setting air standards for the nation. The federal government authorized money to help states pay for their antipollution efforts.

In 1977, Congress established a new timetable for meeting the goals of the 1970 law. The auto industry has already met or exceeded most of those goals. However, EPA officials say that about 100 cities have still not met national standards for air quality.

In 1989, President George Bush proposed several revisions to the Clean Air Act including forcing automobile makers to further lower the exhaust pollutants of the cars that they produce. Car manufacturers predict that this proposal, if passed by Congress, will add at least $150 to the price of a new car. Bush's plan would also require car makers to produce one million cars capable of running on fuels other than gasoline by 1997. Congress is still considering the president's proposed changes to the Clean Air Act.

Acid Rain. The effects of air pollution are apparent in another form in the northeastern region of the United States and in Canada. In these areas, rainfall has become highly acidic. Although the causes of "acid rain" are in dispute, most scientists believe that acid rain is the result of sulfur dioxide and nitrogen oxide (released by coal-burning power plants, factories, and automobiles) being transformed into sulfate and nitrate. When combined with moisture in the air, sulfates and nitrates become acids and fall to earth as acid rain. Acid rain increases the acidity of soil, streams, and lakes, making them less habitable for plants and animals. In Europe, where coal has long been a major source of energy, large forests have begun to wither, and hundreds of lakes in Scandinavia have become so acidic that they no longer support fish. Acid rain also damages buildings and bridges, forcing governments and private owners to accelerate plans for renovation or replacement of many of these structures.

Controlling Acid Rain. Acid rain has become an international issue. Emissions of sulfur from coal-burning plants in one country can travel across international borders, causing acid rain to fall in other countries. For example, Canada has protested to the U.S. government that a large share of its acid rain results from pollution produced in the United States. This issue has strained normally warm relations between the United States and Canada.

Acid rain is believed to be caused when sulphur dioxides and nitrogen oxides, emitted from coal-burning power plants, combine in the air to produce sulphates and nitrates. These acids cause rain to become highly acidic, killing fish and vegetation.

In his proposal for a new Clean Air Act, President Bush recommended reducing the levels of sulphur dioxide and nitrogen oxide in the air. He wants to cut America's emissions of nitrogen oxide by two million tons and sulphur dioxide by ten million tons by the year 2000. The country's biggest polluters, found mostly in the Midwest and Southeast, would pay for these reductions.

Water Pollution. The two major water pollutants are organic waste and chemical waste. Organic waste removes oxygen from the water, suffocating fish and producing bacteria that release noxious gases. Chemical waste--such as pesticides, acid residues, dyes, and some chemicals from factories--kills marine life outright.

During the 1960s, water pollution in the United States was severe. Industrial pollution accounted for some of the problem. Arsenic was found in the Kansas River. Mercury pollution halted fishing along the shores of Lake St. Clair on the Canadian border. Industrial pollution killed millions of fish in Lake Superior, and fishing and swimming were banned in Lake Erie. Organic waste

also contributed to water pollution. In many cases, raw human sewage was being dumped untreated into lakes and streams.

Controlling Water Pollution. In 1970, hundreds of industries and more than 1,400 communities were dumping untreated sewage into rivers. Although Congress had already taken some action to clean up the nation's rivers, the most effective legislation was the Federal Water Pollution Control Act of 1972. This act set a national goal of making all waters safe for fish, wildlife, and people by 1985.

Congress later passed the 1974 Safe Drinking Water Act, which authorized the EPA to set maximum levels for contaminants in drinking water systems, and the 1977 Clean Water Act, which amended the Federal Water Pollution Control Act. The government has spent billions of dollars to achieve the goals of the Clean Water Act.

In 1987, Congress approved a new Clean Water Act, which included $18 billion to help local governments build sewage-treatment plants and another $2 billion to clean up lakes, rivers, and estuaries.

Nuclear Waste. Many nuclear materials are highly toxic and take thousands of years to lose their radioactivity. The problem is how to safely dispose of nuclear waste. If liquid nuclear waste is buried in cans, the cans might someday leak radioactive material into the soil and the water table. Dumping nuclear waste containers in the ocean presents a similar problem. Although disposal technology is excellent and no one has yet been harmed by nuclear waste, there are no guarantees that it will never pollute the environment. Today, highly radioactive nuclear waste from weapons production remains in temporary storage awaiting the establishment of permanent nuclear waste depositories. In addition, radioactive spent fuel from nuclear power plant reactors is being stored temporarily in cooling pools at the plants.

Controlling Nuclear Waste. In December 1982, Congress passed legislation establishing a national plan for the disposal of highly radioactive nuclear waste. The law set up a timetable for establishing a permanent, underground repository for nuclear waste by the mid-1990s. In 1987, Congress named Yucca Mountain, Nevada, as the location for the nation's first permanent nuclear waste storage facility. The repository was scheduled to open in 1988, but Nevada's governor opposes the facility and has refused to give government scientists the permits needed to conduct safety tests on the site. Construction of the facility cannot begin until the federal government determines that Yucca Mountain is a safe place for nuclear waste. The federal government is suing to force Nevada to allow the repository. The Department of Energy now estimates that the facility cannot be opened before 2010.

Toxic Wastes. Toxic wastes are the poisonous or *carcinogenic* (cancer-causing) chemical compounds that remain after the production of chemicals, metals, and plastics. The United States generates at least 250 million tons of toxic waste each year.

Unlike nuclear wastes, some toxic wastes can be broken down into relatively safe substances by burning them or treating them chemically. But for many years, toxic chemicals were simply dumped into pits, ponds, and landfills. In some places, the chemicals soaked into the soil and filtered into the water table. In Niagara Falls, New York, a neighborhood called Love Canal

residents--especially children--became ill. The government later bought their homes, and sections of the neighborhood were permanently closed.

Today, the EPA has strict rules for dumping toxic waste. For example, all toxic waste must be placed in licensed landfills that have lined bottoms to prevent chemicals from leaking into the soil. Toxic dumps must also have monitoring wells to check for leaks, and operators must carry enough insurance to pay for $6 million in cleanup costs every year. These last two requirements, which took effect in November 1985, put more than half the nation's toxic dump sites out of business. But thousands of old, illegal, and unknown toxic waste dumps still pose a threat to public health.

Controlling Toxic Wastes. Congress enacted the Toxic Substances Control Act in 1976, which gives the EPA the power to ban or regulate dangerous substances not covered by other regulatory safeguards and to test new chemicals and substances before they can be manufactured.

After the events at Love Canal, Congress created the Superfund program. Superfund was to be used to pay for the cleanup of hazardous waste sites and any future toxic chemical disasters. The company responsible for the disaster would eventually assume the costs, but Superfund would pay most of the initial cleanup costs.

In 1986, Congress allocated $6 billion to renew the Superfund program. At the same time, Congress set new standards for the removal of toxic wastes, required the EPA to start cleanup at 375 new dump sites by 1992, extended legal protection to victims of diseases caused by toxic wastes, and required chemical firms to report the release of cancer-causing substances into the environment. Today, more than a thousand toxic waste sites are on Superfund's cleanup priority list.

Pesticides. Pesticides kill certain insects and plants. But some pesticides have entered the food chain. After a pesticide is sprayed, it can remain potent for a long time, staying on the leaves of plants, washing into rivers and lakes, or seeping into groundwater. Some pesticides that animals ingest are absorbed into their tissues. Eventually, some of these chemicals reach humans through the food they eat. In 1989, many Americans stopped buying apples because some growers treated them with Alar, a growth regulator. A study had indicated that Alar could cause cancer, especially in children. The public outcry caused many apple growers to stop using Alar.

Energy

Coal. Many experts believe that U.S. energy needs can be met by returning to the former major energy source, coal. They point out that coal reserves are plentiful in the United States and can provide enough electric power for more than 200 years. The United States has already begun to use more coal as an oil substitute, especially in electricity production. However, coal does have drawbacks. It is a major source of air pollution and acid rain, plus, coal strip-mining destroys thousands of acres of land every year.

Supporters of coal usage, including President Bush, say that it is too valuable an energy source to ignore. Coal costs less to produce than oil and natural gas. Furthermore, recent environmental and mine safety laws have helped reduce some of the dangers associated with its extraction and use. Proponents point

out that with the tough standards set down by the 1970 Clean Air Act, pollutants have actually declined in the last decade, even though more coal is being used. Federal laws have also led to the restoration of the landscape that had been strip-mined and to a reduction in coal mining deaths.

Nuclear Energy. Most energy experts predict that by the 1990s the United States will not have enough electricity to meet its demands. The nuclear power industry has urged the government to build additional nuclear reactors immediately to meet the needs of energy consumers. However, opposition to nuclear energy is strong. Most of the opposition has focused on the safety of reactors and the safe disposal of nuclear waste. Critics of nuclear energy fear that a serious accident--for example, a meltdown of the fuel rods, a rupture of the reactor vessel, and the release of radioactive gases into the air--could possibly kill thousands of people and damage the surrounding area for hundreds of years. The nuclear industry counters by arguing that the chances of an accident are less than one in 10 million, requiring the failure of every automatic safety device. But nuclear critics say that the odds are not so great. They charge that although reactors are equipped with numerous safety devices and backup systems, these devices are not designed to handle simultaneous failures in the system. They point to the Chernobyl nuclear power plant in the Soviet Union and the Three Mile Island plant in the United States as evidence of the risks inherent in nuclear technology.

Despite the concerns of antinuclear groups, nuclear energy officials stand on the industry's record. They note that the industry has more than 1,100 plant-years of operating experiences and that during that time not one person has died from a nuclear accident in a nuclear power plant, not even at Three Mile Island. They say that a nuclear accident such as the one that happened at Chernobyl could not happen in the United States. Proponents of nuclear power also argue that other energy sources are more injurious than nuclear power. For example, many people die or are injured each year in coal mining accidents and oil.

Synthetic Fuels. Synthetic fuels are oil or gas substitutes made from coal or oil shale and processed into liquid or gaseous form. During the 1970s, many experts saw synthetic fuels as the solution to the energy crisis. As research increased in the field, however, they discovered that synthetic fuels have three serious problems. First, synthetic fuels are expensive to produce. Second, producing synthetic fuels requires large amounts of water, which is scarce in the western United States where most of the coal and oil shale are located. Third, producing synthetic fuels could create severe environmental problems. Much of the waste of synthetic fuel production from coal and shale oil is highly toxic. Some method would be needed to detoxify the waste. Burying it would poison the earth and nearby water sources.

Renewable Energy Sources. Renewable--or inexhaustible--energy sources include wind, water, and solar power. These alternative sources of energy are nonpolluting, and the supplies will never run out. During the energy crisis of the late 1970s, many homeowners installed solar-powered water heaters, and some local utilities in California and other western states used windmills to produce small amounts of electricity. However, the cost of installing large solar or wind energy systems is still high and thus impractical for large industries and communities.

Arguments Supporting Environmental Controls

Even small changes in our ecological system could have serious consequences for future generations. Expected improvements in technology will eventually reduce the cost of hazard detection and control. Antipollution standards have created a market for pollution control equipment and thousands of people now work for companies that produce or operate such equipment. Strict pollution standards save billions of dollars annually in economic and health benefits by preventing environmental damage and human disease.

Energy

Acid Rain. Environmentalists dispute the argument that economic costs outweigh environmental benefits. The burning of coal is blamed by many as one of the leading causes of acid rain. Acid rain has been branded as a major contributor to the death and disease of trees; the acidification of lakes; the accelerated corrosion of bridges and buildings; and the destruction of outdoor art treasures (especially in Europe). Other drawbacks to coal include health and safety hazards to miners, environmental damage from stripmines, and the difficulty of transporting it.

Moreover, pollution from the United States harms Canada's timber industry and wilderness areas, causing diplomatic problems between the two nations.

The nation should look to solar and nuclear power to help supply energy, and Americans should continue to conserve as much energy as possible. The United States should not encourage increased coal use without examining the full costs involved.

Nuclear Energy

The country could find itself short of electricity in just ten years. Nuclear power can fill future energy needs the best. Nuclear energy is safe and clean. It does not pollute the air, and no one has ever been killed in a nuclear accident in the United States. While nuclear waste is dangerous, it poses little threat to the public when buried in leakproof containers thousands of feet underground. The United States runs on energy. It is foolish to ignore the potential of nuclear power.

Toxic Waste

Almost everyone agrees that toxic waste sites must be located and cleaned up.

The 1980 Superfund legislation proposes that dumpers pay for the cleanup, but that until they begin work, the EPA should start the cleanup using monies collected through a special tax on oil and chemicals companies. The Superfund law also gave people a longer time to sue the manufacturers who created toxic waste hazards. Previously, people who believed they were harmed by the wastes were often unable to sue because their illnesses developed after time limits set by state laws had expired.

Supporters of Superfund agree that those who created the hazard should be forced to pay.

One way or another, the cost of cleaning up the environment will fall on American citizens. Companies will either pass on the expense to consumers through their higher prices, or they will go out of business, leaving the government to pay. The American taxpayer should not have to pay for the mistakes of polluters. The government cannot allow industries to pollute the environment without penalty. The government is the best and most reliable agent to clean up the environment.

Opposition to Environmental Controls

Protecting the environment is important. However, the cost of such efforts must be weighed against the benefits. Environmental controls cost money, which industry and consumers must pay. It is unrealistic to eliminate all the risks to the environment and this is the price we must pay to live in a technologically advanced society. While a clean environment is important, excessive regulations hurt the economy. The United States must provide jobs, expand industry, and compete with foreign businesses that are not constrained by tough regulations. The cost of meeting environmental standards and completing the paperwork is too high.

Energy

Acid Rain. The issue of acid rain illustrates the difficulty of balancing environmental standards with economic costs. President Bush recommends that sulfur emissions be reduced by 50 percent to prevent serious environmental damage from acid rain. To achieve this standard, coalburning power plants and factories would have to install expensive antipollution equipment--called scrubbers--on their older smokestacks. (Federal laws already require such equipment on all new power plants and factories.) Or power plants could choose to buy low-sulfur coal, mined in the western United States, instead of the high-sulfur coal mined in the East.

This would cost billions of dollars and the added cost would be passed on to consumers. Moreover, cutting sulfur emissions could create other serious economic costs such as the loss of jobs in heavy industries and high-sulfer coal mining. The coal industry argues that less-expensive alternatives, such as dumping lime into lakes to make them less acidic, should be considered. They also recommend further research to determine the exact causes of acid rain and inexpensive ways to combat it.

The advantages of coal far outweigh its disadvantages. First, the United States has a huge reserve of coal; it will be at least 200 years before it runs out. Second, coal is cheap, costing less than both oil and natural gas. Uncontrolled, coal may have an adverse environmental impact, but government regulations will reduce the threat. Already regulations have succeeded in lowering the overall amount of air pollution from coal use despite a 50 percent increase in its use.

Nuclear Energy

The problems with nuclear power are simply stated. First, nuclear reactors are expensive to build and have been plagued with cost overruns. Second, nuclear reactors are very complicated; a combination of breakdowns could occur and overwhelm a reactor's safety features. Third, nuclear wastes pose a serious hazard when being transported to burial sites. And fourth, there is the danger

of nuclear wastes leaking into ground water, just as toxic wastes have done. These are risks that we cannot afford.

Toxic Waste

Many toxic waste sites are more than twenty years old, and records about what was dumped or who deposited the wastes may not exist. In addition, some companies that dumped pollutants years ago are no longer in business. As a result, the government cannot recoup its expenses for the cleanup, and injured persons cannot sue a company they cannot identify. Who, then, should pay the costs? Proper cleanup of environmental hazards is one of the costs of doing business and not a cost than can be passed along to the public through higher taxes or health risks.

References

Articles on Energy and the Environment were adapted from the 1991 Edition of Current Issues, a publication of the Close Up Foundation.

Section 5

Extending the Experience

CIVIC PROJECTS

WAYS TO INVOLVE STUDENTS IN ENVIRONMENTAL PROJECTS

The following are ideas suggested by the Close Up Foundation and the National Wildlife Foundation.

- Several states are working to make environmental education required in the public schools. Encourage students to get involved in decisions about their own curriculum by writing letters and circulating petitions supporting an environmental education requirement in your school system.

- Have students plan a special series for your school about environmental issues. They can work with teachers and principals to invite speakers or show films on topics such as tropical deforestation and endangered species.

- Suggest that the students make a library display for the school or town on how to be an environmentally sensitive citizen. Include practical information, such as how to make your yard attractive to wildlife, how to dispose of used oil safely, and where to recycle your cans, bottles, and newspapers.

- The bald eagle is our national symbol. Is there a plant or animal in your community that your students think needs special attention? Have them lobby your local council for a town emblem, and include a recommendation for ways to protect this species and its habitat.

- Work with your students to find out what chemicals are used in your school laboratories, in cleaning materials, and on school grounds. Students can help promote the use of nontoxic substitutes by talking to building services personnel and school administrators.

- Contact your local solid waste management office or fire department about sponsoring a hazardous waste collection day in your community. Students can prepare information on nontoxic alternatives and distribute it to citizens who drop off their chemicals. You can obtain a "Household Hazardous Waste Wheel" from the Environmental Hazards Management Institute, P.O. Box 70, Durham, NH 03824.

- Help your students organize a community cleanup with other schools. You might even want to "adopt" a section of habitat and keep the area clean.

- Have students select and explore an environmental issue that affects them personally. Through a research process, students learn how to locate and interpret information from a variety of resources--newspapers, magazines, books, interviews, or site visits.

The following are projects conducted by students involved in other Close Up programs. Civic projects helped students to identify and to study a local environmental problem. After exploring solutions and developing a plan, students were encouraged to implement a project with school/community supervision.

- Students took part in a citywide water preservation project, and maintained a xeriscope garden at school with drought-resistant plants. (Walnut, California)

- As part of a recycling education project, students studied biodegradability by burying objects in a local landfill and monitoring deterioration. (Signal Mountain, Tennessee)

- Students conducted schoolwide glass, can, and paper recycling projects. (In nearly all fifty states)

- After interviewing Environmental Protection Agency representatives, students produced a videotape on the value of trees to the environment and conducted a community tree-planting campaign. (Woodbridge, Virginia)

PRE- AND POST-EXPERIENCES

Thank those who were involved in Close Up and those who supported Close Up.

- --State legislators
- --**State Close Up Presentors and Group Leaders**
- --Close Up Advisory Council
- --School board, administrators, teachers
- --Media personnel
- --Department of Public Instruction
- --**Sponsors of Close Up in North Dakota**

Community Awareness - Presentations, Interviews, Activities

- --School board meetings
- --Organizational meetings, e.g.; Lions, P.T.O., Senior Citizens
- --Media - television, newspapers (local and school), radio

Community Involvement

- --Vote
- --Visit an actual trial
- --Observe local government in action
- --Organize community activities

School Activities

- --Make presentations to students and teachers
- --Organize a Close Up Club
- --Research additional issues
- --Initiate or continue Close Up Experiences and Activities
- --Develop bulletin boards
- --Conduct a simulation of government
- --Study materials relating to the environment provided by the Department of Public Instruction and found in newspapers and current events

Coordination with Department of Public Instruction

- --Submit published articles
- --Submit articles for statewide distribution
- --Share successful activities and strategies
- --Submit photos of community activities, classroom projects, or other items of interest relating to civic involvement and participation.

EXTENDING THE CLOSE UP EXPERIENCE IN YOUR SCHOOL

Directions: 1) List as many items under each category that could be initiated by Close Up teachers and/or students in your school, 2) Review the list you have completed and place an asterisk in front of each activity you could do by yourself or with a group, 3) Review the asterisked items, place a second asterisk in front of the items of particular interest to you. Discuss these with the Close Up students/teachers from your school.

Letters

Articles

School Activities

Community Activities

Other (Specify)

DOS AND DON'TS WHEN CORRESPONDING WITH GOVERNMENT OFFICIALS

The following suggestions are offered by the North Dakota Congress of Parents and Teachers when writing to your legislator or other government official.

A DOZEN DOS AND DON'TS

DOS	DON'TS
1. DO know your legislator's full name. Spell it correctly.	1. DON'T guess at the spelling of your legislator's name or his/her initials.
2. DO inform yourself about the measure of concern to you. Know what you are talking about.	2. DON'T guess at facts or base your letters on rumors.
3. DO use plain stationery or personal stationery.	3. DON'T use mimeographed or printed postal cards; they give no evidence that you can think for yourself.
4. DO use first class mail.	4. DON'T use form letters under any circumstances.
5. DO let the legislator know how a particular measure will affect your locality--his own home district.	5. DON'T limit yourself to generalities.
6. DO be concise.	6. DON'T be wordy.
7. DO be complete enough to give pertinent reasons and facts.	7. DON'T leave out essential details.
8. DO be sincere.	8. DON'T use insincere flattery or flowery terms.
9. DO be courteous always.	9. DON'T use threats--ever!
10. DO clearly identify the bill, using the title and number, if possible.	10. DON'T get mixed up on the name, the number, or the contents of the bill.
11. DO follow through. Let your legislator know you are watching his record with deep interest.	11. DON'T write letters of criticism or request only.
12. DO write a letter of appreciation whenever your legislator does something that meets your approval.	12. DON'T forget to write a thank-you letter.

All of these suggestions apply to all levels of government--federal, state and local.

GOLDEN RULES

(For everyone who works with public officials)

Have you ever presented your case, or your cause, to a public official? If so, you will recognize these universal principles that apply across the board for everyone who works with legislators, commissioners, city councilmen and other public officials.

--Don't underestimate public officials. With very rare exceptions, they will be honest, intelligent and will want to do the right thing. Your job is to inform them what YOU think is right.

--Don't look down on government and politics. They may be faulty, but so are other professions. A disdainful attitude is an expensive luxury these days. Whatever affects your business . . . IS . . . your business . . . even if it is politics.

--Be understanding. Put yourself in the public official's place. Try to understand the official's problems, the official's outlook, the official's aims. Then you are more likely to persuade the official to do the same in understanding yours. Remember that we must have people who are willing to commit themselves to public service positions.

--Be friendly. Don't contact public officials only when you want their help. Invite them to be guests at meetings. Take pains to keep in contact with them throughout the year, every year.

--Be informed. Never meet with public officials to advocate a position without first studying the facts and the arguments pro and con. The mere fact that you want a public official to adopt one position or another won't be enough to convince the official. Do your homework.

--Be reasonable. Recognize that there are legitimate differences of opinion, with at least two sides to every issue. Never indulge in threats or recriminations. They are confessions to weakness.

--Be thoughtful. Commend the right things public officials do. That's the way you like to be treated. Any public official will tell you that he gets dozens of letters asking him to do something, but very few thanking him for what he has done.

--Don't blame public officials for "failing" to do what you wanted. Choices are not always clear cut, and the failure could be yours if you have not done a good job in preparing, presenting and following through on your case.

--Don't be a busybody. You don't like to be scolded, pestered or preached to. Neither do public officials.

--Be cooperative. If a public official makes a reasonable request of you, try to comply with it. Don't back away for fear that it's a "deal," or that you're "getting into politics."

--Be realistic. Remember that controversial legislation and regulation usually result in compromise. It has always been so and it will always be so in a democracy.

--Be open and candid. State your views, and the reasons for your position, with willingness to listen to the problems and concerns that your position may create for the public official.

--Be practical. Recognize that each legislator has commitments and that a certain amount of vote-trading goes on in a legislature. Don't chastise a legislator who normally supports you if he happens to vote against one of your bills. This doesn't necessarily mean he has deserted your whole program. Give the legislator the benefit of the doubt; the legislator will appreciate it and remember that you did. There will be other "roll calls" and the next time the legislator may vote for you. Also, remember that while some votes may be firmly committed, there will be many others that can be swayed on the basis of sound arguments, properly presented.

--Be a good opponent. Fight issues--not personalities. And be ready with alternatives or solutions as well as with criticisms. This a constructive opposition.

--Never break a promise. This a cardinal rule of politics. If you tell a public official you'll do something in exchange for a certain action, stick to the bargain. Politics, and politicians, work on a base of mutual trust and confidence.

--Don't change horses in the middle of the stream. Never leave an official stranded out on a limb by changing your policy or position after the official has publicly stated a position that you have urged him to take.

--Learn to evaluate and weigh issues. Many bills which are tossed into the hopper "by request" are never intended to become law. So, don't criticize legislators for the bills which are introduced, and don't call out the army until you're sure a bill is serious.

Adapted from Material by Mary Allen Jolley, American Home Economics Association, September 1976.

COMMUNITY INVOLVEMENT

"TIPS" TO AID TEACHERS IN INVOLVING COMMUNITY PERSONNEL AND USING LOCAL FACILITIES

WHOM TO CONTACT

Contacts may be made directly with the mayor's or the city manager's office. Depending on the structure of the local government, these individuals have direct responsibility over the various departments within the governmental structure. For townships, counties, and special governmental districts, it is best to contact the chairperson of the board.

MEETING GOVERNMENTAL PERSONNEL

Once the initial contact has been made, it is important that personal contact be established with the individual who will help with the project. At this meeting, it is important that the teacher have a specific plan as to what he or she hopes to accomplish (goals and objectives) and the kinds of facilities and personnel that will aid in the project. If objectives are not clearly stated, the chance of getting governmental personnel to give up their free time is not great. Being organized does not mean being inflexible. A timetable may have to be modified and adapted to coordinate with the schedules of local workers and with the use of facilities. Good planning and organization are essential to the success of this type of project.

PREPARING LOCAL PERSONNEL

In addition to organizing activities and scheduling events with the local government personnel, teachers need to prepare these individuals for their teaching experience. Most of these persons have little or no experience in a teaching situation. Individuals must be briefed as to the age, abilities, content background, and interests of the students, and the amount of time allocated to the activity. A good balance of activities would be a combination of lecture, discussion, observation, and doing.

CONDUCTING ACTIVITIES

Scheduling is probably the single most important factor in working with local government personnel. All individuals involved should have a copy of the sequence of events--this includes the students. Times, places, activities, speakers and topics all should be listed as parts of the schedule. It is a good idea to have someone accompany the class who can help with troubleshooting while activities are taking place.

FOLLOW-UP

When all activities have been concluded, it is important to thank all those who participated. The groundwork for next semester's or next year's activities may be laid by arranging follow-up conferences to discuss future plans. Most people who participate in such activities like working with students and are willing to help in improving activities for the next group of students.

PUBLICIZING EFFORTS

These activities should not go unnoticed. Local newspapers and even radio and television stations are interested in school-community activities. Pictures can be taken of the activities, or the local media can be invited to attend some of them. Notices can be sent out in advance, and calls to the news media need to be made about a week prior to the activities.

HIGH INVOLVEMENT PROGRAMS

Programs that involve a high level of planning by the teacher and cooperation by local personnel are as follows:

1. Development of Publications and Media Presentations. Students who have been studying various aspects of local government can develop written and/or audiovisual materials as concluding types of activities. These projects not only help to synthesize the materials studied, but they provide information for next year's students. Such activities may also be used for instructional purposes by having students teach younger children about the government in the community.

2. Videotaped Council Sessions. Teachers may want to videotape council sessions to use for classroom instructional sessions. This can be a very useful teaching tool, especially when a local issue has given rise to various citizen groups opposing one another. However, the tape should be used in conjunction with the students doing information-gathering and analysis of the issue in advance. It is important that the teacher receive permission from the council well in advance of the session.

3. Mock Council Meetings. These can be popular activities where students conduct a council meeting and try to decide on the passage of some local legislation. It is important that students be assigned roles and that they research the topic thoroughly. They should be instructed to make sure that they represent the views of their assigned roles. It is not usually a difficult task to arrange the use of the local council's meeting room. This will give the activities a more realistic presentation.

4. Student Official for a Day. Students are elected to be an official for a day. Active participation by both students and elected officials is the key to the success of this type of program.

LOCAL GOVERNMENT

Local Government Personnel

The following "model" questions can be used to find out information about elected and hired local government personnel.

Mayor. Who is the mayor? Does the mayor have another job, or is being a mayor a full-time job? What qualifications are necessary to become mayor? How is the mayor chosen? What part do political parties play in choosing the mayor? What is the mayor's term of office? What is the mayor's salary? What benefits does the mayor receive other than salary?

Council Member. Who are the council members? What ward or district do they represent? What is the difference between ward and at-large council members? What are the qualifications necessary to become a council member? What is the term of office? What are the responsibilities of council members? What salary and benefits do council members receive for their efforts?

Hired Personnel (example--City Planner). What training, education, and experience are necessary to qualify for this position? What is the yearly salary and requirements for advancement? How does one obtain such a position? What are the responsibilities and obligations that go with this position? What are some of the positive and negative aspects of this position? Does the local community really need a person in this position? Justify its need.

Local Government and the Citizens

The topics and questions that are presented below reflect some examples of how citizens can interact with their government. This interaction may take the form of using governmental services or being restricted by local laws or ordinances.

Ordinances. Locate a copy of the local community ordinances. What are the restrictions on loud parties, late night noise, and noise pollution? What are the bicycle regulations in the community? What are the penalties for public disturbance and disorderly conduct? Are there any ordinances on shoplifting and petty theft? What rules govern the use of tobacco, alcohol, and dangerous drugs by minors? Does the community have any truancy, vagrancy, and curfew ordinances?

Codes and Permits. Is there a unified local building code or series of codes? What do they cover? How are they enforced? Let's say a family wanted to add a garage onto their house. What permits are necessary before work begins? Where can permits be obtained? What is the cost of these permits and how long are they valid? What kind of inspections are made? Who makes the inspections and when are they done? What recourse is available when a disagreement arises with the building inspector?

Services for Senior Citizens. Does the government have any employees whose responsibility is to provide services to senior citizens? If so who are these employees and what are their responsibilities? If not, why not? What community facilities and programs are provided for senior citizens? Consider the following: recreation, health, food and nutrition, housing, and transportation. Does the government assist private organizations that help senior citizens in the community that are not presently offered?

QUESTIONS ABOUT LOCAL GOVERNMENT

There are many questions that can be asked and answered by students in relation to the way local government is organized (structure), how it operates (function), and the people who work within it (personnel). The following examples provide a sampling of questions that can be researched concerning the government. The questions should be used as starting points for the many areas of local government that can be explored.

The Authority of Local Government

--What is the legal basis for authority of your local government (charter, state constitution, statutes, etc.)?

--What functions and services are the responsibilities of the government?

--How can changes be made in the structure and functions of local government without state approval? What changes, if any, have been made in the last ten years?

The Organization of Local Government

--How is local government organized? Who makes policy? Who administers authority?

--How many members are on the local government body? Are they elected or appointed? How often does this body meet? Are meetings open to the public?

--What are the powers and duties of this governing body?

--If a single executive officer has authority for administration, what is his or her title? Is he or she elected or appointed? To what extent do such officers initiate policy? Do they have veto power? Can they appoint, remove, or dismiss personnel?

--What local governmental departments are there? Which are headed by elected officials? Which by appointed?

--If there are advisory boards and/or commissions, what are their functions? To whom are they responsible? How are they selected? Do they report? How are their findings used?

Revenues and Expenditures of Local Government

--What was the total income of your local government during the past year? What was the total income ten years ago? What has accounted for the change?

--What were the sources of income during the past year (local, state, federal)?

--What kinds of local taxes are collected (property, sales, income tax)? Have bonds been issued recently? For what purpose?

--What was the total cost of operating local government last year? What was the per capita cost? How does this compare to costs of comparable governmental units within the state? Have costs increased? Why or why not?

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